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Supreme Court, U.S.
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OFFICE OF THE CLERK

2006-3287

IN THE

Supreme Court of the United States

HARRY M. SCHMITT,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent

and

DEPARTMENT OF THE NAVY,

Intervenor.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Federal Circuit

PETITION FOR WRIT OF CERTIORARI

Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718
(941) 923-2253

Introductory Statement

The Navy assigned the petitioner his supervisor's, Mr. Lloyd P. Diehl's, old E-mail code. The petitioner detected pornography being sent to his supervisor from his business associates including Lockheed Martin. The petitioner turned in his supervisor's pornography to the Navy's onsite Ethics officer, Ms. Ann B. Jones, as directed by the Navy's offsite Ethics Officer, Ms. Elizabeth Fischmann. The Navy told the on and off-site military, civil servants and contractors that I was the one that turned in my supervisor's pornography. Thus, the Navy created a sexually harassing, hostile threatening reprisal for whistleblowing environment against the petitioner.

The Navy took advantage of the petitioner's concurrent family hardship case by having the petitioner disbarred from his workplace when the petitioner's brother called in a false alarm threat to the petitioner's supervisor. Previously, the petitioner had repeatedly warned his supervisor and the Navy chain of command that his brother was going to call in a false alarm threat in the petitioner's name because the petitioner and his sister were going to have the petitioner's brother removed from guardian of their demented mother because of petitioner's brother's chronic alcoholism and unacceptable physical attacks upon petitioner's person.

Questions Presented for Review

1. Have you ever had another case in this court? No In a United States district court? No In the Equal Employment Opportunity Commission? Yes If so identify each case.

   EEOC Case Number 150-2003-09475X - Sex, Male

EEOC Case Number 150-2003-09476X - Reprisal, Disability - Mental Stress

2. Did the MSPB or arbitrator incorrectly decide or fail to take into account any facts? Yes If so, what facts?

Navy attorney, Ms. Louise Vitale, SPLe-12, coerced Ms. Milagros Vazquez, Deputy Equal Employment Opportunity Officer, Code 734, Orlando, FL, into providing false sworn statement to Equal Employment Opportunity Commission, Officer of Federal Operations' Director. The Secretary of the Navy threw out the Navy's coerced EEOC settlement agreement. Naval Ordinance Test Unit's Ethics Officer, Ms. Ann B. Jones, stated to me, in person three times, that the NOTU command was going to fire her for my turning in my supervisor's, Mr. Lloyd P. Diehl's, pornography into her. My supervisor told NOTU co-workers and contractors, via E-Mail, that I turned in his pornography into the NOTU command. I was being sexual harassed and threaten by my supervisor, co-workers and contractors for turning in my supervisor's pornography into Ms. Ann B. Jones, NOTU's Ethics Officer. The NOTU command was threatening to fire me if I complained to NOTU's Inspector General, Captain Thomas about the hostile threatening workplace environment. I was being harassed and threaten by the Cape Canaveral Air Force Base security police for cooperating with NOTU's second inspector General, Captain Angelika Evangelist, USNR, Orlando, FL.

3. Did the MSPB or arbitrator apply the wrong law? Yes If so, what law should be applied?

Sexual Harassment, hostile threatening workplace environment, law should be applied in my MSPB

appeals case instead of reprisal for whistleblower law cited in the MSPB's initial decision and affirmed in the MSPB's Final Order.

4. Did the MSPB or arbitrator fail to consider important grounds for relief? Yes If so, what grounds?

The employing agency denied my reasonable accommodation request for lateral transfer to another federal agency.

5. Are there other reasons why the MSPB's or arbitrator's decision was wrong? Yes If so, what reasons?

The NOTU command committed a willful medical Privacy Act violation against me by sending my medical records to the Naval Criminal Investigative Service, NCIS, without my written permission or knowledge. The NOTU command committed a willful Unfair Labor Practice against me by revoking my security clearance with the DON CAF for cooperating with NOTU's second Inspector General, Captain Angelika Evangelist, after I had already fully cooperated with NOTU's first Inspector General, Captain Thomas. These willful violations of law perpetrated against me by the employing agency have been reported to the Department of Defense Inspector General, as well as, to the Defense Criminal Investigative Service, DCIS, FBI and to the United States Attorney General.

6. What action do you want the court to take in this case?

Job restoration in equivalent federal job position, attorney fees, back pay and related benefits, medical

costs, travel expenses, reasonable and foreseeable monetary damages caused by the employing agency's prohibited practices, monetary payments for personal and emotional pain and suffering injuries, consequential and actual damages incurred in my medical Privacy Act violation by the employing agency.

7. Do you want to argue before the court in person? Yes If yes, what are the reasons why argument will aid the court?

Argument will aid the court in understanding the reasons behind how the employing agency perpetrated its acts of fraud and abuse of authority upon me, an innocent victim of sexual harassment in the employing agency's hostile threatening workplace environment.

8. Do you intend to represent yourself? No If you have not filed an Entry of Appearance, indicate your full names, address, and telephone number.

Harry Michael Schmitt
7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
(941) 923-2253

Basis for Jurisdiction in the Supreme Court

The United States Court of Appeals for the Federal Circuit entered judgement on December 6, 2006 contained in the appendix, Volume I. The statutory provision believed to confer on the Supreme Court of the United States jurisdiction to review a writ of certiorari the judgement in question is 5 U.S.C. Section 2302(b)(8), commonly called reprisal for

whistleblowing, victim of prohibited personnel practice, indefinite suspension.

Statement of the Case

The petitioner's individual right of action under statutory provision 5 U.S.C. Sections 1214(a)(3) and 1221 was denied by the respondent for personnel action taken against petitioner because of petitioner's protected disclosure, indefinite suspension, and denial of the petitioner's reasonable accommodation request, transfer to another federal agency, by the respondent contained in appendix, Volume II.

Statement of the Facts

The Secretary of the Navy, the Honorable Gordon R. England, threw out the Navy's coerced EEOC settlement agreement with the petitioner PA-83 and (PA)177-179. The petitioner was disbarred from the workplace, Naval Ordinance Test Unit (NOTU), by LCDR Mark L. Stevens PA-225 and placed on an indefinite suspension effective on August 13, 2002 by CDR Howard P. Miller (PA) 226-238.

The petitioner exhausted all procedures regarding petitioner's whistleblower complaint with the Office of Special Counsel (OSC). The petitioner attached the OSC dismissal to MSPB letter dated September 29, 2005 to petitioner's Individual Right of Action (IRA) package to the MSPB's Atlanta Regional Office PA-197 and PA-247.

The petitioner disclosed to NOTU's Ethics Officer, Ms. Ann B. Jones, that the petitioner was receiving pornographic E-Mails addressed to his Supervisor on his NOTU assigned E-Mail code (PA)33-35 and (PA)48-58. The employing agency, NOTU, coerced the petitioner into a constructive discharge.

The petitioner informed the MSPB Administrative Judge, Anthony W. Cummings, prior to November 23, 2005, about the employing agency's witness affidavits, via telephone conversation; however, the administrative judge rejected the employing agency's witness affidavits stating that the petitioner's designated legal representative needed to submit the employing agency's witness affidavits.

The petitioner asked his designated legal representative, via FAX, to please file the employing agency's witness affidavits, evidence and argument before the MSPB administrative judge's February 3, 2006 filing deadline because the petitioner was suffering from chronic lower back pain that left the petitioner partially paralyzed at that time resulting in physician ordered physical therapy and complete bed rest PA-27. The petitioner's designated legal staff informed the petitioner, via telephone conversation, on February 7, 2006, that my designated legal representative could not file the Appeal, and that the petitioner needed to file the appeal. Therefore, the petitioner asks the court to set aside the untimeliness issue in this appeal case. Furthermore, the subject of the allegations in the petitioner's complaint is a combination of reprisal for whistle blowing and other prohibited personnel practices (PA) 201-202.

The petitioner's basis for reasonable accommodation is post traumatic stress disorder that the employing agency's working conditions, sexual harassment, sexual intimidation and retaliation, were exacerbating my health because of my supervisor, Mr. Lloyd P. Diehl (PA)10-16, (PA)34-35, PA-42 and PA-71.

The petitioner's basis for violation of the Privacy Act is Ms. Ann B. Jones, NOTU's Ethics Officer, statement to the Department of the Navy's Central Adjudication Facility (DON CAF) investigator that she came to me asking about Dr. Cathy P. Milam and that the petitioner became upset over

her inquiry. Ms. Ann B. Jones statement to the DON CAF investigator is false (PA) 1-8, (PA) 17-26, (PA) 38-42 and (PA) 46-292.

Presidential and Congressional Inquiries

The petitioner's Presidential and Congressional inquiries sent to the Department of Defense and the Department of the Navy, appendix, Volume II.

Argument for Allowance of the Writ

The petitioner's reasonable accommodation request, transfer to another federal agency, was denied by the respondent supporting the petitioner's contention of the petitioner's hostile threatening, sexual harassing, workplace environment under statutory provision 5 U.S.C. Sections 2302(b)(1), (b)(9) and (b)(10) and the unwarranted invasion of the petitioner's personal privacy under statutory provision 5 U.S.C. Section 552(b)(7)(C) and 552a(g)(1)(C), constitutional civil rights violation.

Basis for Jurisdiction in the Supreme Court

Statutory Provision believed to confer on the Supreme Court Jurisdiction to review a Petition of a Writ of Certiorari the judgement in question:

> Statutory Provision 5 U.S.C. Sections 2302(b)(8), Reprisal for Whistleblowing and Victim of prohibited personnel practices, 2302(a)(2), adverse actions, indefinite suspension and psychiatric testing and examination and unfair labor practices under 5 U.S.C. Sections 7116(a)(1) and (4).

Argument

Statutory Provision 5 U.S.C. Sections 1214(a)(3) and 1221, individual right of action denied by MSPB for personnel action taken against petitioner, indefinite suspension, because of protected disclosure and agency failed to reasonably accommodate petitioner's disability, transfer to another federal agency, supporting the petitioner's contention of hostile threatening workplace environment, under Statutory Provisions 5 U.S.C. Section 2302(b)(1), (b)(9) and (b)(10), Sexual Harassment, Cooperation with OSC and Non-job related conduct, and 5 U.S.C. Sections 552(b)(6) and (b)(7)(C) and 552a(g)(1)(C), Unwarranted Invasion of Personal Privacy, constitutional civil rights violation, contained in appendix, Volume II.

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NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

06-3287

HARRY M. SCHMITT,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent,

and

DEPARTMENT OF THE NAVY,

Intervenor.

DECIDED: December 6, 2006

Before MAYER, RADER, and GAJARSA, Circuit Judges.

RADER, Circuit Judge.

The Merit Systems Protection Board (Board) dismissed Harry M. Schmitt's Individual Right of Action

(IRA) appeal because he did not allege that his protected disclosure was a contributing factor in any adverse agency action. Schmitt v. Department of Navy, No. AT-1221-05-0958-W-1 (MSPB December 30, 2005). Finding no reversible error, this court affirms

On December 12, 2005, Mr. Schmitt resigned from his position as a GS-12 Electronics Engineer at the Naval Ordinance Test Unit (NOTU). His resignation was part of a settlement agreement for Equal Employment Opportunity (EEO) complaints filed in February and July 2002. By the express language of the settlement agreement, Mr. Schmitt released the Navy "from any and all liability from all claims alleged in, arising out of, or related to the above captioned case(s) (the EEO complaints) and all matters of dissatisfaction regarding his employment with the agency, through the date of this agreement." Further, Mr. Schmitt agreed that all "claims/complaints at any stage of processing are hereby withdrawn and complainant's right to file complaints for any matter through the date of the agreement is waived."

Despite having waived all claims through December 12, 2003, Mr. Schmitt complained to the Office of Special Counsel (OSC). On September 12, 2005, the OSC sent Mr. Schmitt a letter reminding him of the terms of the settlement. This letter further noted that the new complaint did not assert any new issue within the Board's jurisdiction. Absent a new issue, the OSC did not plan further action on the complaint. Before closing the file, however, OSC provided Mr. Schmitt sixteen days to supplement the record.

Instead of supplementing the record to the OSC, on September 15, 2005, Mr. Schmitt filed an Individual Right of

Action (IRA) under the Whistleblower Protection Act (WPA) alleging the Navy had taken an undetermined personnel action against him in reprisal for whistleblowing activities. Mr. Schmitt attached the OSC's September 12, 2005 letter to his IRA. On November 23, 2005, the Board issued an Order warning Mr. Schmitt that the OSC had not yet terminated its investigation and that Mr. Schmitt had not identified a personnel action allegedly taken against him by the Navy. The Order further required Mr. Schmitt to submit within seven days evidence that he had exhausted his remedies before the OSC and had made a non-frivolous allegation of whistleblowing activity.

Mr. Schmitt did not respond to the November 23, 2005 Order on time. On December 12, 2005, December 20, 2005, and December 22, 2005, Mr. Schmitt submitted documents related to his earlier EEO complaints. On December 30, 2005, the Board dismissed Mr. Schmitt's appeal for lack of jurisdiction.

II

Whether the Board has jurisdiction to adjudicate a particular appeal is a question of law, which this court reviews de novo. Herman v. Department of Justice, 193 F 3d 1375, 1378 (Fed Cir. 1999); Mr. Schmitt has the burden of establishing jurisdiction before the Board by a preponderance of the evidence. 5 C.F.R. § 1201.56(a)(2) (2006); Clark v. United States Postal Service, 989 F. 2d 1164, 1167 (Fed. Cir. 1993).

The Board may grant a petition for review based on new and material evidence that, despite due diligence, was not available when the record closed. 5 C.F.R. §

1201.115(D)(1). However, the Board only has jurisdiction over an IRA appeal if the appellant has exhausted all administrative remedies before the OSC and made "non-frivolous allegations" that: (1) he engaged in whistleblowing activity by making a protected disclosure under 5 U.S.C. § 2302(B)(8), and (2) the disclosure was a contributing factor in the Agency'S decision to take or fail to take a personnel action as defined by 5 U.S.C. § 2302(A) Yunus v. Department of Veterans Affairs, 242 F. 3d 1367, 1371 (Fed. Cir. 2001). Under the WPA, protected disclosures include "any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences (I) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety." 5 U.S.C. § 2302(b)(8).

Mr. Schmitt did not timely respond to the Board's November 23, 2005 Order. Further, even had Mr. Schmitt's submissions been timely, the Board found Mr. Schmitt's submissions did not establish a non-frivolous allegation of protected disclosures that were a contributing factor in an agency action against him. Indeed, because Mr. Schmitt's submissions relate entirely to his earlier EEO complaints, their use has been waived.

Lastly, in his appeal to this court, Mr. Schmitt for the first time asserts sexual harassment and hostile workplace allegations. As these issues were never considered by the Board, they are not properly before this court.

For the foregoing reasons, this court affirms the decision of the Board to dismiss Mr. Schmitt's appeal for lack of jurisdiction.

United States Court of Appeals for the Federal Circuit

06-3287

HARRY M. SCHMITT,

Petitioner,

MERIT SYSTEMS PROTECTION BOARD,

Respondent,

and

DEPARTMENT OF THE NAVY,

Intervenor.

JUDGMENT

On APPEAL from the Merit Systems Protection Board in Case NO(S): AT1221050958-W-1

This CAUSE having been heard and considered, it is ORDERED and ADJUDGED: AFFIRMED

ENTERED BY ORDER OF THE COURT

DATED_____ "s/Jan Horbaly"
Jan Horbaly, Clerk

ISSUED AS A MANDATE: JAN 29, 2007

UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
ATLANTA REGIONAL OFFICE

HARRY M. SCHMITT, Appellant,	DOCKET NUMBER AT-1221-05-0958-W-1
v.	
DEPARTMENT OF THE NAVY, Agency.	DATE: December 30, 2005

Archibald J. Thomas, III, Jacksonville, Florida, for the appellant

Kevin J. Keefe, Esquire, Washington, D.C., for the agency.

BEFORE
Anthony W. Cummings
Administrative Judge

INITIAL DECISION

On September 15, 2005, Harry M. Schmitt filed an individual right of action (IRA) appeal with the Board's Atlanta Regional Office in which he alleged that the Department of the Navy took an undetermined personnel action against him in reprisal for his protected whistleblowing activities,

Based on the following analysis and findings, the appeal is DISMISSED for lack of jurisdiction.[1]

ANALYSIS AND FINDINGS

Background

The undisputed evidence of record indicates that, via a letter dated September 12, 2005, the Office of Special Counsel (OSC) responded to the appellant's complaint against the managers of his former employers, the Naval Ordinance Test Unit at Cape Canaveral, Florida. *See* Appeal File, Tab 1. In that letter, OSC informed the appellant that it was not clear from the information the appellant provided "what in your situation presents a new issue that is within our jurisdiction." Id. Moreover, OSC wrote that the appellant did not describer "What appears to be a prohibited personnel practice that is different from issues you have raised with the OSC previously which we have reviewed." *Id.* Finally, OSC informed the appellant that it intended on closing its inquiry into his complaint, but before actually doing so it would give the appellant an opportunity to supplement the record with a response addressing each of the reasons it stated in its preliminary determination to close the case. *Id.* It gave the appellant 16 days from the date of its September 12, 2005 letter to supplement the record with the requested information. *Id.* The appellant did not respond to OSC's request. Rather, the appellant filed the instant appeal to the Board.

---

[1]The appellant requested a hearing. I find that no hearing is necessary, however, because the appellant failed to raise allegations of fact which, if proven, could establish the Board's jurisdiction over his appeal. *See Dick v. Department of Veterans Affairs, 290 F. 3d 1356, 1361-62 (Fed. Cir. 2002); Pickens v. Social Security Administration, 88 M.S.P.R. 525, 531 (2001).*

In its response to the appellant's appeal to the Board, the agency acknowledges its ignorance of the action which the appellant alleges the agency took in reprisal for his whistleblowing activity. Instead, the agency avers that "the appellant resigned from his agency employment in accordance with a settlement agreement reached in the matter of two Equal Employment Opportunity (EEO) complaints...and it appears that what he (the appellant) alleges to be 'whistleblowing' was the subject matter of his EEO complaints." Agency File, Tab 1.

Jurisdiction

The Whistleblower Protection Act (WPA) provides that an individual who believes he was subjected to a personnel action[2] because he made protected whistleblowing disclosures may file an IRA appeal with the Board. *See* 5 U.S.C. § 122(a); 5 C.F.R. §1209.2 (2004). Before filing an IRA appeal with the Board, however, the individual must first seek corrective action from OSC. 5 U.S.C. § 1214(a)(3); 5 C.F.R. § 1209.2(b)(1) (2004). To satisfy the exhaustion requirement, an appellant must inform OSC of the precise grounds of his charge of whistleblowing, giving

[2] The statute defines "personnel action" as an appointment; a promotion; an action under 5 U.S.C. chapter 75 or other disciplinary or corrective action; a detail, transfer; or reassignment; a reinstatement; a restoration; a re-employment; a performance evaluation under 5 U.S.C. chapter 43; a decision concerning pay, benefits, or awards concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, performance evaluation, or other action described in 5 U.S.C. § 2302(a)(2)(A); a decision to order psychiatric testing or examination; and any other significant change in duties, responsibilities, or working conditions. 5U.S.C. §2302(a)(2)(A); a decision to order psychiatric testing or examination; and any other significant change in duties, responsibilities, or working conditions. 5 U.S.C.§ 2302(a)(2)(A).

OSC a sufficient basis to pursue an investigation which might lead to corrective action. *Ward v. Merit Systems Protection Board,* 981 F.2d 521, 526 (Fed. Cir. 1992); *Reschlag v. Department of the Army,* 89 M.S.P.R. 589, 638 (2001), *review dismissed,* 32 Fed. Appx. 543 (Fed. Cir. 2002). The Board may only review those disclosures and personnel actions that an appellant raised before OSC. *Ellison v. Merit Systems Protection Board, 7 F.3d 1031 (Fed. Cir. 1993); Lewis v. Department of the Army, 58 M.S.P.R. 325,332 (1993).*

The Board has jurisdiction over an IRA appeal if the appellant has exhausted his administrative remedies before OSC and makes nonfrivolous allegations that: (1) he engaged in whistleblower activity by making a disclosure protected under 5 U.S.C. § 2302(b)(8); and (2) the disclosure was a contributing factor in the agency's decision to take or to fail to take a personnel action. *See Yunus v. Department of Veterans Affairs, 242 F. 3d 1367 (Fed. Cir. 2001); Rusin v. Department of the Treasury,* 92 M.S.P.R. 298, 304 (2002).[3] In order to establish jurisdiction over an IRA appeal, an appellant is not required to prove that he made protected disclosures, merely to make a nonfrivolous allegation that his disclosures were protected. *Rusin,* 92 M.S.P.R. 298, ¶¶ 10-11. Protected whistleblowing takes place where an appellant made disclosures that he reasonably believed evidenced a violation of law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health and safety. *Stauner v. Department of the Interior, 86M.S.P.R. 179, ¶ 4 (2000).*

[3] A nonfrivolous allegation is an allegation of fact that, if proven, could establish a prima facie case that an appellant made a whistleblowing disclosure. Ferdon v. U.S. Postal Service, 60 M.S.P.R. 325, 329 (1994).

By Order dated November 23, 2005, the appellant was apprised of the jurisdictional issue this case presents. Appeal File, Tab 4. Specifically, the appellant was informed that he had to file a statement of factual evidence, i.e., he had to assert nonfrivolous allegations of jurisdiction supported by affidavits or other evidence, responding to the requirements noted above. *Id.* He was informed that the written record would determine whether his allegations were non-frivolous. *Id.* He was also informed that if he made nonfrivolous allegations of fact to establish jurisdiction, he would be entitled to a hearing on the merits of his claim, and if he did not his appeal would be dismissed based on lack of Board jurisdiction. Id. The appellant did not provide a timely response to that Order.

I find the appellant has failed to establish Board jurisdiction over this IRA claim. In an IRA appeal, the standard for establishing subject matter jurisdiction and the right to a hearing is assertion of a nonfrivolous claim. See Langer v. Department of the Treasury, 265 F.3d 1259, 1265 (Fed. Cir. 2001). Here, the appellant was placed on notice by the Board's November 23, 2005 Jurisdiction Order of what he had to show or allege to establish IRA jurisdiction, and was ordered to make a nonfrivolous allegation to establish such jurisdiction. Appeal File, Tab 4. He failed to make a nonfrivolous allegation that a protected disclosure he made was a contributing factor to an agency decision to threaten, propose, take, or fail to take a personnel action.

The appellant failed to make the required showing necessary to establish Board IRA jurisdiction over his appeal, and the record otherwise fails to support a finding of Board

jurisdiction on some other basis. Consequently, this appeal must be dismissed for lack of Board jurisdiction.[4]

DECISION

The appeal is DISMISSED.

FOR THE BOARD: s/Anthony W. Cummings
Anthony W. Cummings
Administrative Judge

NOTICE TO APPELLANT

This initial decision will become final on **February 3, 2006,** unless a petition for review is filed by that date or the Board reopens the case on its own motion. This is an important date because it is usually the last day on which you can file a petition for review with the Board. However, if this initial decision is received by you more than 5 days after the date of issuance, you may file a petition for review within 30 days after the date you actually receive the initial decision.

[4] To the extent that the appellant's claims of whistleblowing mirror the subject matter of his prior EEO complaints, such claims fail to establish jurisdiction as the filing of an EEO complaint does not constitute whistleblowing activity protected under 5 U.S.C. § 2302(b)(8). It is well-settled that "[w]hen disclosures that would otherwise be protected under [5 U.S.C. § 2302(b)(8)] are made solely in the course of exercising agency grievance rights or the agency's discrimination complaint process, and never presented outside of that context, only [5 U.S.C. § 2302(b)(9)] is implicated, and an IRA appeal will be dismissed for lack of jurisdiction." *See Serrao v. Merit Systems Protection Board, 95 F.3d 1569, 1575 (Fed.Cir. 1996); Thomas v. Department of Defense, 77 M.S.P.R. 224, 230(1998); Fisher v. Department of Defense, 47 M.S.P.R. 585, 587-88 (1991).*

decision. The date on which the initial decision become final also controls when you can file a petition for review with the Court of Appeals for the Federal Circuit. The paragraphs that follow tell you how and when to file with the Board or the federal court. These instructions are important because if you wish to file a petition, you must file it within the proper time period.

BOARD REVIEW

You may request Board review of this initial decision by filing a petition for review. Your petition, with supporting evidence and argument, must be filed with:

The Clerk of the Board
Merit systems Protection Board
1615 M Street, NW
Washington, DC 20419

A petition for review may be filed by mail, facsimile (fax), personal or commercial delivery, or electronic filing. A petition for review submitted by electronic filing must comply with the requirements of 5 C.F.R. § 1201.14, and may only be accomplished at the Board's e-Appeal website (https://e-appeal.mspb.gov).

If you file a petition for review, the Board will obtain the record in your case from the administrative judge and you should not submit anything to the Board that is already part of the record. Your petition must filed with the Clerk of the Board no later than the date this initial decision becomes final, or if this initial decision is received by you more than 5 days after the date of issuance, 30 days after the date you actually receive the initial decision. The date of filing by mail is determined by the postmark date. The date of filing by electronic filing is the date of submission. The date of

filing by personal delivery is the date on which the Board receives the document. The date of filing by commercial delivery is the date the document was delivered to the commercial delivery service. Your petition may be rejected and returned to you if you fail to provide a statement of how you served your petition on the other party. *See* 5 C.F.R. § 7703). You may read this law, as well as review the Board's regulations and other related material, at our website, http://fedcir.gov/contents.html. Of particular relevance is the court's "Guide for Pro Se Petitioners and Appellants," which is contained within the court's Rules of Practice, and Forms 5, 6, and 11.

NOTICE TO AGENCY/INTERVENOR

The agency or intervenor may file a petition for review of this initial decision in accordance with the Board's regulations.

CERTIFICATE OF SERVICE

I certify that the attached Document(s) was (were) sent as indicated this day to each of the following:

	Appellant
U.S. Mail	Harry M. Schmitt 7211 Captain Kidd Avenue Sarasota, FL 34231-4718
	Appellant Representative
U.S. Mail	Archibald J. Thomas, III Riverplace Tower 1301 Riverplace Blvd. Suite 1640 Jacksonville, FL 32207
	Agency Representative
U.S. Mail	Kevin J. Keefe, Esq. Department Of The Navy Strategic Systems Programs (SPLE) Office of Counsel Nebraska Avenue Complex 287 Somers Court, NW Suite 10041 Washington, DC 20393

December 30, 2005
(Date)

s/Renee Leech-Carlos by/Glea
Renee Leach-Carlos
Paralegal Specialist

Docket No. AT-1221-05-0958-W-1
Party: Appellant's Representative

Archibald J. Thomas, III
Riverplace Tower
1301 Riverplace Blvd.
Suite 1640
Jacksonville, FL 32207

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Your e-filing identification number is **5731756.**

UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD

HARRY M. SCHMITT, Appellant, v. DEPARTMENT OF THE NAVY, Agency.	DOCKET NUMBER AT-1221-05-0958-W-1 DATE: June 13, 2006

Archibald J. Thomas, III, Jacksonville, Florida, for the appellant.

Kevin J. Keefe, Washington, D.C., for the agency.

BEFORE

Neil A. G. McPhie, Chairman
Mary M. Rose, Vice Chairman
Barbara J. Sapin, Member

FINAL ORDER

The appellant has filed a petition for review in this case asking us to reconsider the initial decision issued by the administrative judge. We grant petitions such as this one only when significant new evidence is presented to us that was not available for consideration earlier or when the administrative judge made an error interpreting a law or regulation. The regulation that established this standard of review is found in Title 5 of the Code of Federal Regulations, section 1201.115(5 C.F.R. § 1201.115).

After fully considering the filings in this appeal, we find that a question exists regarding the timeliness of the appellant's petition for review of the initial decision issued on December 30, 2005. We have not decided that issue because we conclude that there is no new, previously unavailable, evidence and that the administrative judge made no error in law or regulation that affects the outcome. 5 C.F.R. § 1201.115(d). Therefore, we DENY the petition for review on the merits without addressing the timeliness of the petition for review. The initial decision of the administrative judge is final. This is the Board's final decision in this matter. 5 C.F.R. § 1201.113.

NOTICE TO THE APPELLANT REGARDING YOUR FURTHER REVIEW RIGHTS

You have the right to request the United States Court of Appeals for the Federal Circuit to review this final decision. You must submit your request to the court at the following address:

United States Court of Appeals
for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439

The court must receive your request for review no later than 60 calendar days after your receipt of this order. If you have a representative in this case, and your representative receives this order before you do, then you must file with the court no later than 60 calendar days after receipt by your representative. If you choose to file, be very careful to file on time. The court has held that normally it does not have the authority to waive this statutory deadline and that filings that do not comply with the deadline must be dismissed. *See Pinat v. Office of Personnel Management,* 931 F. 2d 1544(Fed. Cir. 1991).

If you need further information about your right to appeal this decision to court, you should refer to the federal law that gives you this right. It is found in Title 5 of the United States Code, section 7703 (5U.S.C. § 7703). You may read this law, as well as review the Board's regulations and other related material, at our website, http://www.mspb.gov. Additional information is available at the court's website, http:fedcir.gov/contents.html. Of particular relevance is the court's "Guide for Pro Se Petitioners and Appellants," which is contained within the court's Rules of Practice, and For 5, 6, and 11.

FOR THE BOARD:

Bentley M. Roberts, Jr.
Clerk of the Board

Washington, D.C.

Docket No. AT-1221-05-0958-W-1
Party: Appellant

Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

CERTIFICATE OF SERVICE

I hereby certify that the attached Reply Brief was sent as indicated this day to each of the following:

Respondent

U.S. Express Certified Mail

TARA K. HOGAN,
Trial Attorney
Commercial Litigation Branch
Civil Division
Department of Justice
1100 L Street, N.W.
Attn: Classification Unit
Washington, DC 20530

Respondent

U.S. Merit Systems Protection Board

U. S. Express Certified Mail

Calvin Morrow
Merit Systems Protection Board
1615 M Street, N.W.
Washington, DC 20419-0002

U. S. Court of Appeals for the Federal Circuit

U. S. Express Certified Mail

Jan Horbaly
Clerk of court
717 Madison Place, N.W.
Washington, D.C. 20439

Intervenor

U. S. Express Certified Mail

Department of the Navy
Office of the General Counsel
720 Kennon Street SE
Washington, D.C.
20374-5012

Petitioner Representative

U. S. Express Certified Mail

Archibald J. Thomas, III
1301 Riverplace Blvd.
Riverplace Tower,
Suite 1640
Jacksonville, FL 32207

October 18, 2006
(Date)

Harry M. Schmitt
Harry M. Schmitt,
Petitioner

U. S. MERIT SYSTEMS PROTECTION BOARD
Office of the Clerk of the Board
1615 M Street, N.W.
Washington, D.C. 20419-0002

Phone: 202-653-7200; Fax: 202-653-7130; E-Mail: mspb@mspd.gov

2006-3287

ATTESTATION

I HEREBY ATTEST that the attached index represents a list of the documents comprising the administrative record of the Merit systems Protection Board in the appeal of Harry M. Schmitt v. Department of the Navy, MSPB Docket No. AT-1221-05-0958-W-1, and that the administrative record is under my official custody and control on this date_____

on file in this Board
July 24, 2006
Date

s/Marie Warcholah
Bentley M. Roberts, Jr.
for Clerk of the Board

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Harry M. Schmitt v. DEPARTMENT OF THE NAVY

Docket No. AT-1221-05-0958-W-1

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2	Acknowledgement Order	September 22, 2005
3.	Agency Response File	October 13, 2005
4.	MSPB Order	November 23, 2005
5.	Appellant Submission	December 11, 2005
6.	Appellant Submission	December 20, 2005
7.	Appellant Submission	December 22, 2005
8.	Appellant Submission	December 22, 2005
9.	MSPB Order	December 30, 2005
10.	MSPB Initial Decision	December 30, 2005

HARRY M. SCHMITT
v.
DEPARTMENT OF THE NAVY

MSPB Docket No. AT-1221-05-0958-W-1

INDIVIDUAL RIGHT OF ACTION (IRA) -

PETITION FOR REVIEW

TAB	DESCRIPTION OF DOCUMENT	DATE OF RECEIPT OR ISSUANCE
1	Appellant - Petition for Review	February 08, 2006
2	MSPB - Petition For Review Acknowledgement Letter	February 09, 2006
3	Appellant - Additional Submissions with PFR	February 10, 2006
4	Other - Ack. Letter returned, Sent to new address - agency rep.	February 27, 2006
5	Agency - EOT Request to Respond to PFR	March 03, 2006
6	MSPB - Extension of Time Order	March 03, 2006
7	Appellant - Copy of letter about EEOC complaint process	March 08, 2006

8	MSPB - Settlement Memo to File	March 14, 2006
9	AGENCY REPRESENTATIVE Change of E-Filing Status	March 20, 2006
10	Appellant - Medical Submission	April 04, 2006
11	MSPB - Final Order	June 13, 2006
12	Appellant - Medical Information	July 07, 2006

CERTIFICATE OF SERVICE

I hereby certify that the attached Document(s) was (were) sent as indicated this dat to each of the following:

Petitioner

Electronic Mail — Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

Respondent

U. S. Mail — David Cohen, Director
Commercial Litigation Branch
Civil Division Classification Unit
U.S. Department of Justice
1100 L Street, N.W., Room 12124
Washington, DC 20530

July 24, 2006

s/Marie Wareholah
for Bentley M. Roberts, Jr.
Clerk of the Board

Docket No. AT-1221-05-0958-L-1
Party: Appellant

Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

UNITED STATES
APPEALS FOR THE FEDERAL CIRCUIT

2006-3287

HARRY M. SCHMITT,

Petitioner,

v.

DEPARTMENT OF THE NAVY,

Respondent.

ORDER

Note: Pursuant to Fed. Cir. R. 47.6, this order is not citable as precedent. It is a public order.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

ORDER

The petitioner having failed to pay the docketing fee required by Federal Circuit Rule 52(a)(1) within the time permitted by the rules, it is

ORDERED that the petition for review be, and the same hereby is, DISMISSED, for failure to prosecute in accordance with the rules.

FOR THE COURT,
"s/JanHorbaly"
Jan Horbaly
Clerk

07/24/06

cc: Clerk's Office, MSPB
Harry M. Schmitt
Tara K. Hogan

FILED
U.S. COURT OF
APPEALS FOR THE
FEDERAL CIRCUIT

ISSUED AS A MANDATE: 07/24/06

JUL 24 2006

SCHMITT V NAVY, 2006-3287
MSPB - AT1221050958-W-1

JAN HORBALY
CLERK

United States Court of Appeals for the Federal Circuit

Harry M Schmitt , Petitioner or Appellant,

v. **PETITION FOR REVIEW**

David M. Cohen , Respondent or Appellee.

Harry M. Schmitt (Name all parties* bringing the petition or appeal) hereby petition/appeal the court for review of the Public Order (describe the order or decision and include decision number) of the Clerk of the Court (Name the agency, board, or officer) entered on July 24, 2006 (date). The order or decision was received on July 28, 2006 (date).

Harry M. Schmitt

Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
(941) 923-2253

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718

July 29, 2006

Date of Injury: 12/15/2000
DOL OWCP File No.: 062048358

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Attn: Ms. Jan Horbaly, Clerk of the Court of Appeals
Washington, DC 20439

Dear Ms. Jan Horbaly:

I am writing this letter to you in response to your letter to me dated July 24, 2006 concerning non-payment of my docketing/*filing fee. I have checked with my credit card company, and I have discovered the Four Hundred and Fifty Dollars ($450) has not been posted to my credit card Account Number 5424-18067855 2248 with Expiration Date of April 2007. I must assume that for some unknown reason the docketing /filing fee transaction did not go through to my credit card company. Therefore, I ask your and the Court's forgiveness, and I ask that you and the Court accept my personal check in the amount of Four Hundred and Fifty Dollars ($450) payable to you, the Clerk of the Court of Appeals. Thank you!
*Included $5.00filing fee payable to Clerk of Court.

Sincerely,
Harry M. Schmitt
Harry M. Schmitt

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

2006-3287

HARRY M. SCHMITT,

Petitioner,

v.

DEPARTMENT OF THE NAVY,

Respondent.

ORDER

Note: Pursuant to Fed. Cir.R.47.6, this order is not citable as precedent. It is a public order.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

ORDER

Petitioner having paid the initial filing fee, it is

ORDERED that the order of dismissal and the mandate be, and the same hereby are, VACATED and RECALLED, and the petition for review is REINSTATED.

FOR THE COURT,

08/11/2006

"s/Jan Horbaly"
Jan Horbaly
Clerk

cc: Clerk's Office, MSPB
Harry M. Schmitt
Tara K. Hogan

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

SCHMITT V NAVY, 2006-3287
(MSPB - AT1221050958-W-1)

AUG 11 2006

JAN HORBALY
CLERK

RECEIPT FOR PAYMENT
United States Court of Appeals
For The Federal Circuit

Received From: Harry M. Schmitt
Sarasota, FL 34231

06-3287 (CASE NO.) Schmitt v. Navy (SHORT TITLE) 8/9/06 (DATE)

ACCOUNT	AMOUNT
Clerk's Fee for docketing case	455 00
Certificate of membership	
Certified copy of	
Copy of opinion	
Copy of documents	
Reimbursement fees	
Deputy Clerk ☐ Total	455 00

☐

Credit Card ☐ Cash ☐ Check ☐ MONEY ORDER ☐

046992 (2 CHECKS)

Note: Pursuant to Fed. Cir.R.47.6, this order is not citable as precedent. It is a public order.

United States Court of Appeals for the Federal Circuit

2006-3287

HARRY M. SCHMITT,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent,

and

DEPARTMENT OF THE NAVY,

Intevenor.

ON MOTION

Before BRYSON, Circuit Judge.

ORDER

The Department of the Navy moves without opposition to reform the caption to designate the Merit Systems Protection Board as respondent and for leave to intervene.

Pursuant to 5 U.S.C. § 7703(A)(2), the Board is designated as the respondent when the Board's decision concerns solely the procedure or jurisdiction of the Board. The employing agency is designated as the respondent when the Board reaches the merits of the underlying case.

Schmitt filed an individual right of action (IRA) alleging that the agency "took an undetermined personnel action against him in reprisal for his protected whistleblowing activities." Schmitt failed to respond to the administrative judge's (AJ) order directing Schmitt to submit his allegations so that an initial jurisdictional determination could be made. Citing Yunus v. Department of Veterans Affairs, 242 F .3d 1367, 1371(Fed. Cir. 2001), the AJ found that the Board lacked jurisdiction over Schmitt's IRA appeal because, in failing to make any allegations whatsoever, Schmitt failed to carry his jurisdictional burden of making a non-frivolous allegation that he made a protected disclosure.

Because the AJ's ruling was a jurisdictional determination, the Board is the proper respondent pursuant to 5 U.S.C. § 7703(a)(2).

Accordingly,

IT IS ORDERED THAT:

(1) The motion to reform the caption is granted. The revised official caption is reflected above.

(2) The Board's and Navy's briefs are due within 21 days of the date of filing of this order.

9/20/06

"s/William C. Bryson"
William C. Bryson
Circuit Judge

cc: Harry M. Schmitt
Tara K. Hogan, Esq.
Calvin Morrow, Esq. (Enclosure: Copy of Schmitt's Informal Brief)

s16

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT
SEP 21 2006

JAN HORBALY
CLERK

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

NOTICE OF SUBMISSION WITHOUT ORAL ARGUMENT

2006-3287

SCHMITT V MSPB

A review of this case indicates that oral argument is not required and that the appeal may be decided on the briefs without prejudice to full consideration of the issues. This case will be submitted to a panel of judges of the court on 12/04/2006. Because the court has not allotted time for oral argument, nothing concerning this case will take place in open court even though the appeal appears on the court's calendar for the day.

Someone appearing pro se, or counsel for a party, may file a memorandum presenting reasons why oral argument would assist the court or answers to points in an opposing brief that might otherwise have been presented at oral argument, or both. The memorandum, not to exceed 5 pages, may be typewritten on 8 ½ by 11 inch paper. An original and six copies of the memorandum should be filed on or before November 15, 2006. If there are any questions regarding this notice, please contact James Benjamin (202) 312-5526, for MSPB, Court of Federal Claims, or Department of Veterans Affairs appeals, or Linda Purdie (202) 312-5527, for other appeals.

If a request for oral argument is made and granted, the appeal wold be scheduled for hearing on the same date that this case is to be submitted to the court, and you will be notified by telephone or mail.

After the appeal has been decided by the panel of judges, you will be sent a copy of the decision by mail. Although appeals are usually decided soon after the submission date, in some instances a longer period is required. In any event, you will be notified promptly.

FOR THE COURT

JAN HORBALY
CLERK

October 20, 2006

cc: Harry M. Schmitt
Tara K. Hogan, Calvin Morrow

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

MEMORANDUM

REQUEST FOR ORAL ARGUMENT

2006-3287

SCHMITT V MSPB

Dear Ms. Jan Horbaly, Clerk of the Court:

Oral argument will aid the court in understanding the reasons behind how the employing agency perpetrated its act of fraud and abuse of authority upon me, an innocent victim of sexual harassment in the employing agency's reprisal for whistle blowing, hostile threatening workplace environment.

Very Respectfully Submitted,

Harry M. Schmitt

Harry M. Schmitt, Petitioner

October 25, 2006

CC: Tara K. Hogan, Calvin Morrow

NOTE: Pursuant to Fed. Cir. R. 47.6, this order is not citable as precedent. It is a public order.

United States Court of Appeals for the Federal Circuit

2006-3287

HARRY M. SCHMITT,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent,

and

DEPARTMENT OF THE NAVY,

Intervenor.

ON MOTION

ORDER

Harry M. Schmitt requests oral argument in this appeal.

Upon consideration thereof,

IT IS ORDERED THAT:

The request is denied. The case will be submitted on the briefs without oral argument on December 4, 2006.

FOR THE COURT

Dated: November 6, 2006

s/"Jan Horbaly"
Jan Horbaly Clerk

cc: Harry M. Schmitt
Calvin Morrow
Tara K. Hogan

FILED
U.S. COURT OF APPEAL FOR
THE FEDERAL CIRCUIT

NOV 6 2006

JAN HORBALY
CLERK

54

Supreme Court, U.S.
FILED
061690 DEC 14 2006
OFFICE OF THE CLERK

2006-3287

IN THE

Supreme Court of the United States

HARRY M. SCHMITT,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent

and

DEPARTMENT OF THE NAVY,

Intervenor.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Federal Circuit

PETITION FOR WRIT OF CERTIORARI

Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718
(941) 923-2253

APPENDIX
Volume II

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BEST AVAILABLE COPY

DEPARTMENT OF THE NAVY
Naval Air Warfare Center Training Systems Division
12350 Research Parkway
Orlando Florida 32826-3224

12713
TSD734
17 Jul 02

From: Raelene Hampton, EEO Counselor
To: Mr. Archibald J. Thomas III, Attorney at Law, Riverplace Tower Suite-1640, Jacksonville, FL., 32207

Subj: NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT

Encl: (1) Complaint Form (OCPM 12713/2)

1. This is to inform you that because the dispute your client Mr. Harry M. Schmitt, has brought to my attention has not been resolved, you are now entitled to, as Mr. Schmitt's representative, file an individual discrimination complaint based on race, color, religion, sex, national origin, physical or mental disability, age, and/or reprisal. Your client alleged discrimination based on reprisal (prior EEO involvement) when the following occurred:

a. The Cape Canaveral Air Force Station Police falsified a police report to NOTU Commanding Officer, Captain William H. Borger.

b. Mr. Robert Blankenship of Leading Edge Employee Assistance Program Inc., failed to notify via letter of an appointment with Dr. Permesly, thereby not giving the complainant an opportunity to voluntarily seek counseling on his own, resorting to the disbarment.

c. Cooperation with the Inspector General, Captain Evangelist.

2. If you file a complaint, it must be in writing, signed, and filed within fifteen (15) calendar days after receipt of this notice, with any of the following officials authorized to receive discrimination complaints:

William H. Borger, CAPT, USN
Commanding Officer
Naval Ordnance Test Unit
P.O. Box 1623
Cape Canaveral, Florida
32920-1623

Subj: NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT

Milagros Vazquez, Deputy EEO Officer
Naval Air Warfare Center Training Systems Division
12350 Research Parkway
Orlando, FL 32826-3275

The Secretary of the Navy
Washington, DC 20350-1000

3. A complaint shall be deemed timely if it is received or postmarked before the expiration of the 15-day filing period, or in the absence of a legible postmark, if it is received by mail within five days of the expiration of the filing period.

4. If you file your complaint with one of the officials listed above (other than the EEO Officer), it will be sent to the activity EEO Officer for processing. Therefore, if you choose to file your complaint with any of the other officials listed above, be sure to provide a copy of your complaint to the Deputy EEO Officer, Milagros Vazquez, to ensure prompt processing of your complaint.

5. The complaint must be specific and contain only those issues either specifically discussed with me or issues that are like or related to the issues that you discussed with me. It must also state whether you have filed a grievance under a negotiated grievance procedure or an appeal to the Merit Systems Protection Board on the same claims.

6. If you file a complaint, you should name the Honorable Gordon R. England, Secretary of the Navy as the person against whom you are filing your complaint.

7. If you have any questions please contact the undersigned at (407) 381-8946.

Raelene Hampton
RABLENE HAMPTON
EEO Counselor

Copy to:
Mike Schmitt, Complainant
Louise Vitale, Counsel

Notice of Intent to Appeal

PART I

From: Mr. Harry Michael Schmitt, SSN: 265-35-4432

I received a Letter of Notification of Denial/Revocation from DON CAF dated 26/06/2003.
(Date/Month/Year)

I elect to:

[ ] submit a written appeal directly to the PSAB.

[√] personally appear before a DOHA Administrative Judge who will, in turn, forward a recommendation to the PSAB.

PART II

The following information is provided so that I can be contacted by the PSAB or DOHA:

a. Duty Address:

b. Daytime Phone:
Commercial:
DSN:
FAX:

c. Home Address:
7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718

d. Home Phone: (941) 923-2253

e. E-Mail Address:
Office:
Home: (Optional)

f. My Security Manager, SSO, or Designated Point of Contact is:
Name: Enrique Vaughn
Email:
Phones: (321) 853-1270
Commercial:
DSN:
Fax:

PART III

To appeal directly to the PSAB, send this notice within 10 calendar days from receipt of the Letter of Denial/Revocation to:

President, PSAB, Chief of Naval Operations (N09N2), Department of the Navy, Washington Navy Yard, DC, 20388-5381

To request a personal appearance before a DOHA Administrative Judge, send this notice within 10 calendar days from receipt of the Letter of Denial/Revocation to:

Director, Department of the Navy, Central Adjudication Facility, 716 Sicard Street SE Suite 2000, Washington Navy Yard, DC 20388-5389

Harry M. Schmitt
Signature

26 June 2003
Date

Enclosure (1)

DEPARTMENT OF THE NAVY
NAVAL ORDNANCE TEST UNIT
CAPE CANAVERAL, FLORIDA 32920-1623

5520
SPP01/U081203002000
13 AUG 2003

Mr. Harry M. Schmitt
7211 Captain Kidd Ave.
Sarasota, FL 34231-4718

Dear Mr. Schmitt,

Subj: REQUEST FOR APPEAL CHANGES

Per telephone conversation between Mr. Michael Anderson, Assistant Security Manager, Naval Ordnance Test Unit, and Ms. Paula Gage, Executive Director, Personnel Security Appeals Board (PSAB), your request to change your personal appearance before an Administrative Judge to a written appeal to the PSAB has been approved.

Your request for a 90 day extension is not approved, but you are granted a 60 day extension. Your written appeal must be submitted by 14 October 2003. Submit your written appeal directly to:

President, PSAB
Chief of Naval Operations (N09N2)
Department of the Navy
Washington Navy Yard, DC 20388-5381

H. P MILLER
By direction

Copy to: Mr. Archibald Thomas III
Suite 1640 Riverplace Tower
1301 Riverplace Boulevard
Jacksonville, FL 32207

DEPARTMENT OF THE NAVY
OFFICE OF CIVILIAN HUMAN RESOURCES
614 SICARD STREET SE SUITE 100
WASHINGTON NAVY YARD DC 20374-5072

Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

JAN -5 2005

Dear Mr. Schmitt:

This acknowledges receipt of your letter to the Assistant Secretary of the Navy (Manpower and Reserve Affairs), dated December 10, 2004, postmarked December 10, 2004, and received by the Office of the Deputy Assistant Secretary of the Navy (Civilian Human Resources) on January 10, 2005. You requested reinstatement of your formal Equal Employment Opportunity (EEO) complaints of discrimination, DON 02-62841-001 and 02-62841-002.

The Deputy Equal Employment Opportunity Officer (DEEOO) at the activity where the allegations of discrimination arose must initiate the processing of your complaints, including the decision to accept or dismiss all or part of the complaints. If any or all of your complaints are not accepted, you will be given appeal rights to the Equal Employment Opportunity Commission.

By copy of this letter we are forwarding your formal complaint of discrimination to the DEEOO, Human Resources Office, Naval Air Warfare Center Training Systems Division, 12350 Research Parkway, Orlando, Florida 32826 for action.

You should contact Ms. Milagros Vazquez, EEO Manager, telephone number 407-380-8430, if you need further assistance.

Sincerely,

NORM CHAMBERLAND
for Head, Congressional and
Employee Inquiries Unit

Copy to:
HRO NAWCTSD

I, Milagros Vazquez, state the following:

I am the Deputy Equal Employment Opportunity Officer for the Naval Ordnance Test Unit (NOTU), Cape Canaveral, Florida. I am responsible for processing Equal Employment Opportunity (EEO) complaints filed by employees employed by NOTU. Mr. Schmitt filed two EEO complaints with my office regarding various allegations involving his employment with NOTU. My office was responsible for processing Mr. Schmitt's complaints and I am the point of contact.

Complainants are responsible for notifying me if they move or if there is a change of status in their complaint(s). Mr. Schmitt made numerous contacts with this office. Accordingly, he knew that he was to address concerns regarding the processing of his EEO complaints to my office. Mr. Schmitt did not notify this office of any change of address during the processing of his discrimination complaints or shortly after the termination of his complaints in early 2004, when settlement was reached.

I declare under penalty of perjury that the above statement is true and accurate to the best of my knowledge.

Milagros Vazquez

APRIL 7, 2005
Date

File Number: 062048358
PROTERM-D-PT

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMPENSATION PROGRAMS
PO BOX 8300 DISTRICT 6
LONDON KY 40742-8300
Phone: (904) 357-4777

November 24, 2003

Date of Injury: 12/15/2000
Employee: Harry Schmitt

HARRY M. SCHMITT
7211 CAPTAIN KIDD AVE
SARASOTA, FL 34231

Dear Mr. Schmitt:

NOTICE OF PROPOSED TERMINATION

Under the provisions of the Federal Employees' Compensation Act (5 U.S.C. 8101 et seq.) and the program's regulations (20 C.F.R. 10.1 et seq.), we propose to terminate your compensation for wage loss for this claim. The basis for this finding is found in the enclosed Notice of Proposed Decision. The medical basis for the proposed termination is a medical report dated September 30, 2003, from Dr. Permesly. We discussed in detail the findings of the report in the attached Notice of Decision. If you wish to review the actual report, please contact Dr. Permesly.. As your attending physician he is the best position to decide whether it is appropriate for you to have a copy of it.

If you disagree with this proposed action, you must submit additional evidence or argument, in writing, to this office within 30 days of the date of this letter. We will not terminate your benefits during this 30-day period, after which we will take further action based upon the evidence in your file.

Please note that this proposed decision would not terminate your medical benefits, which will remain open only if treatment is still needed for your accepted condition.

Sincerely,

James W. Bridges
Senior Claims Examiner

Enclosures: Notice of Proposed Termination

NAVY
NAVAL AIR WARFARE CENTER TRNG
SYSTEMS DIVISION CODE 7311 RD
12350 RESEARCH PKY
ORLANDO, FL 32826

→ Milagros Vazquez's EEO Specialist's Code, Ms. Raelene Hampton

U.S. Department of Labor
Employment Standards Administration
Office of Worker's Compensation Programs
Division of Federal Employee's Compensation
PO Box 8300 District 6
London, KY 40742-8300

August 28, 2003 (904) 357-4777 CA935-FO-CA935

File Number: 062048358
Date of Injury: 12/15/2000
Employee: HARRY SCHMITT

HARRY SCHMITT
650 DIXON BLVD APT 22B
COCOA, FL 32922

Dear Mr. HARRY SCHMITT :

This is a request for certain information concerning any wages you may have earned during the period 01/01/2000 to 01/01/2003.

Therefore, please do the following:

1. Review the information that is pre-printed on Form SSA-581 enclosed. Correct any pre-printed information by drawing a line through the incorrect information and writing the correct information above it.

2. Add any other last name ever used by you or the deceased (if applicable) on the appropriate line on both copies of the form.

3. Sign and date the form.

4. Please return the completed form to the CWCP District Office address noted at the top right side of the form within 30 days. DO NOT SEND THE FORMS TO THE SOCIAL SECURITY ADMINISTRATION.

Sincerely,

James Bridges
Supervisory Claims Examiner

Enclosure(s) : SSA-581

CA0935-FO-CA935

ADD CA0935-0702

7211 Capitola Kidd Avenue
Sarasota, Florida 34231-4718
November 23, 2004
Telephone #(941) 923-2253
File Number: 062048358
Date of Injury: 12/15/2002

U.S. Department of Labor
Federal Employee's Compensation - District 6
P.O. Box 8300, Attn: Ms. Marsha Harrelson, Claims Examiner
London, KY 40742-8300

Dear Ms. Harrelson:

I have received the Department of Labor's letter dated November 8, 2004. I need to respectfully point out to the DOL that my request for reconsideration was dated March 2, 2004. In addition to my reconsideration request, I need to inform the DOL that I was told both in writing and verbally that there was no suitable employment in any Navy office because the Navy had revoked my security clearance in retaliation for my turning in my supervisor's pornography to Ms. Ann E. Jones for him. Also, I need to inform DOL that I have been advised to file criminal charges against the Navy with the United States Attorney General's office in Tampa, Florida. If you have any questions and/or concerns, you may reach me at the above address or telephone number. THANK YOU for your time and reconsideration of my previously filed reconsideration request.

Sincerely,

Harry M. Schmitt

Harry M. Schmitt

and Claim for Compensation

Employment Standards Administration
Office of Workers' Compensation Programs

Employee: Please complete all boxes 1 - 18 below. Do not complete shaded areas.
Employing Agency (Supervisor or Compensation Specialist): Complete shaded boxes a. b. and c.

Employee Data and Claim

1. Name of employee (Last, First, Middle)
Schmitt, Harry M.

2. Social Security Number
265-35-4432

3. Date of birth mo. day Yr.
08 06 60

4. Sex
Male

5. Home telephone
(321) 617-7468

6. Grade as of date of last exposure
Level 12 Step 06

7. Employee's home mailing address (include city, state, and ZIP code)
650 Dixon Blvd., Apt. #228
Cocoa, Florida 32922

8. Dependents
☐ Wife, Husband
☐ Children under 18 ye
☐ Other

Employment Information

9. Employee's occupation
Electronics Engineer

10. Location (address) where you worked when disease or illness occurred (include city, State, and ZIP code)
Naval Ordnance Test Unit. (NOTU)
P.O. Box 1623
Cape Canaveral, Florida 32920

11. Date you first became aware of disease or illness
mo. day Yr.
12 15 00

12. Date you first realized the disease or illness was caused or aggravated by your employment
mo. day Yr.
01 25 01

13. Explain the relationship to your employment, and why you came to this realization
Retaliation for turning in pornographic material coming into command on employee's government E-Mail code, that was previously held by present supervisor, caused extreme physical, emotional and mental trauma. Employee was already suffering from the effects of traumatic stress over the loss of his father in late October of 2000 and his mother's dimentia mental health conditio

14. Nature of disease or illness
Post Traumatic Stress Disorder

15. If this notice and claim was not filed with the employing agency within 30 days after date shown above in item #12, explain the reason for the delay.
Employee was in command directed counseling for job related stress for 12½ we

16. If the statement requested in item 1 of the attached instructions is not submitted with this form, explain reason for delay.

17. If the medical reports requested in item 2 of attached instructions are not submitted with this form, explain reason for delay.

Employee Signature Section

18. I certify, under penalty of law, that the disease or illness described above was the result of my employment with the United States Government, and that it was not caused by my willful misconduct, intent to injure myself or another person, nor by my intoxication. I hereby claim medical treatment, if needed, and other benefits provided by the Federal Employees' Compensation Act.

I hereby authorize any physician or hospital (or any other person, institution, corporation, or government agency) to furnish any desired information to the U.S. Department of Labor, Office of Workers' Compensation Programs (or to its official representative). This authorization also permits any official representative of the Office to examine and to copy any records concerning me.

Signature of employee or person acting on his/her behalf Harry M. Schmitt Date 22 Oct. 200

Have your supervisor complete the receipt attached to this form and return it to you for your records.

Any person who knowingly makes any false statement, misrepresentation, concealment of fact or any other act of fraud to obtain compensatio as provided by the FECA or who knowingly accepts compensation to which that person is not entitled is subject to civil or administrative remu as well as felony criminal prosecution and may, under appropriate criminal provisions, be punished by a fine or imprisonment or both.

For sale by the Superintendent of Documents, U.S. Government Printing Office Washington, DC 20402

Form CA-2
Rev. Jan. 1

Claim for Compensation

U.S. Department of Labor
Employment Standards Administration
Office of Workers' Compensation Programs

SECTION 1 — EMPLOYEE PORTION

a. Name of Employee — Last: SCHMITT; First: HARRY; Middle: MICHAEL

OMB No.: 1215-0103
Expires: 10/31/99

b. Mailing Address (Including City, State, ZIP Code)
650 Dixon Blvd, Apt. #226
Cocoa, Florida 32922-7542

c. DWCP File Number
06208#358
100800-D-AC

d. Date of Injury — Month: 12; Day: 15; Year: 2000

E-Mail Address (Optional)

e. Social Security Number: 216 53 5414 312

f. Telephone No./FAX No.: (321) 617-7468

SECTION 2 Compensation is claimed for:

	Inclusive Date Range From	To	Intermittent?	
a. ☒ Leave without pay	16 July 2001	25 Aug 2001	☐ Yes ☒ No	Go to Section 3
b. ☒ Leave buy back	26 Aug 2001	1 Oct 2001	☐ Yes ☒ No	Go to Section 3, and Complete Form CA-7b
c. ☐ Other wage loss; specify type, such as downgrade, loss of night differential, etc.			☐ Yes ☐ No	Go to Section 3
Type:				If intermittent, complete Form CA-7a, Time Analysis Sheet
d. ☐ Schedule Award (Go to Section 4)				

SECTION 3 Have you worked outside your federal job during the period(s) claimed in Section 2? (Include salaried, self-employed, commissioned, volunteer, etc.)

☐ Yes — Name and Address of Business:

☒ No — Go to Section 4

Name | Address | City | State | ZIP Code

Dates Worked: | Type of Work:

SECTION 4 Is this the first CA-7 claim for compensation you have filed for this injury?

☒ Yes — *Complete Sections 5 through 7 and a Form SF-1199A, "Direct Deposit Sign-up".*

☐ No — Has there been any change in your dependents, or has your direct deposit information changed, or has there been a claim filed with U.S. Civil Service Retirement, another federal retirement or disability law, or with the Department of Veterans Affairs since your last CA-7 claim?

☐ Yes — *Complete Sections 5 through 7 or a new SF-1199A to reflect change(s)* ☐ No — *Complete Section 7*

SECTION 5 List your dependents (including spouse):

Name	Social Security #	Date of Birth	Relationship	Living with you? Yes	No
N/A		/ /		☐	☐
		/ /		☐	☐
		/ /		☐	☐

For dependents not living with you, complete items a and b below.

a. Are you making support payments for a dependent shown above? ☐ Yes ☐ No If Yes, support payments are made to:

Name | Address | City | State | ZIP Code

b. Were support payments ordered by a court? ☐ Yes ☐ No If Yes, attach copy of court order.

SECTION 6 a. Was/Will there be a claim made against a 3rd party? ☒ Yes ☐ No

b. Have you ever applied for or received disability benefits from the Department of Veterans Affairs?

	Claim Number	Full Address of VA Office Where Claim Filed	Nature of Disability and Monthly Payment
☐ Yes			
☒ No			

c. Have you applied for or received payment under any Federal Retirement or Disability law?

	Claim Number	Date Annuity Began	Amount of Monthly Payment	Retirement System (CSRS, FERS, SSA, Other)
☐ Yes				
☒ No				

SECTION 7 I hereby make claim for compensation because of the injury sustained by me while in the performance of my duty for the United States. I certify that the information provided above is true and accurate to the best of my knowledge and belief.

Any person who knowingly makes any false statement, misrepresentation, concealment of fact, or any other act of fraud, to obtain compensation as provided by the FECA, or who knowingly accepts compensation to which that person is not entitled is subject to civil or administrative remedies as well as felony criminal prosecution and may, under appropriate criminal provisions, be punished by a fine or imprisonment, or both. In addition, a felony conviction will result in termination of all current and future FECA benefits.

Employee's Signature: Harry Michael Schmitt — Date (Mo., day, year): July 7, 2002

Form CA-7
Rev. Feb. 1999

PA-11

EXH C (1)

Time Analysis Form

U.S. Department of Labor
Employment Standards Administration
Office of Workers' Compensation Programs

Employee Statement — Please carefully read instructions on reverse *before* filling out this form.

1. Name of Employee: *(Last, First, Middle)*	2. SSN	3. OWCP File Number
SCHMITT, HARRY MICHAEL	265-35-4432	062048358 10080D-D-A

4. Period Covered by This Form: From: 07 / 16 / 2001 To: 10 / 01 / 2001

5. Total Hours Claimed for LWOP: 238 for Leave Buyback: 192

6. In "Type of Leave Used" column, use codes "S" = Sick, "A" = Annual, "O" = Other. If compensation is claimed for date, indicate "Yes" in "Compensation Claimed" column.

Date(s)	Compensation Claimed?	Number of Hours				Type of Leave Used	Reason for Leave Use/Remarks (e.g., doctor visit, therapy, etc.)
		LWOP	Worked	Hol	Leave		
July 16–Aug 25 01	YES	238	0			O	Agency Directed Mental Health Counseling
Aug 26–Oct 1 01	YES		0	8	192	S	Agency Directed Mental Health Counseling
Totals		238	0	8	192		

Harry M. Schmitt
Signature of Claimant

July 7, 2002
Date Signed

Agency Statement/Certification: I certify the above is accurate, except as follows:

Signature of Agency Official

Date Signed

Form CA 7a
June 1998

(7)
PA-12

1. Name of Employee:

Last	First	MI	B.	File No.
SCHMITT	HARRY	M.		062048358 100800-D-AC

2. Social Sec. No: 265-35-4432

3. Period for which compensation is claimed to repurchase leave:

From 08/26/01 To 10/01/01

---

4. AGENCY ESTIMATE OF FECA ENTITLEMENT:

A. WEEKLY BASE PAYRATE (excluding overtime)

- o Date of Injury ___/___/___ $ _____
- o Date Stopped Work ___/___/___ $ _____
- o Date of Recurrence ___/___/___ $ _____

Enter the greatest amount & the effective date of that amount on line 1. 1. _____

___/___/___
(eff. date)

B. ADDITIONS TO BASE PAY: If employee works a regular schedule, state the amount earned ekly: If irregular schedule, state amount earned 1 year prior to date entered on line 1. ÷ 52.

- o Night Differential 2. _____
- o Sunday Premium 3. _____
- o Subsistence/Quarters 4. _____
- o Other (specify) 5. _____

C. TOTAL WEEKLY PAYRATE (Add lines 1 thru 5) 6. _____

D. COMPENSATION RATE (Circle either 2/3 or 3/4) 7. 2/3 3/4

E. TOTAL HOURS CLAIMED ON CA-7a 8. _____

F. TOTAL HOURS WORKED PER WEEK 9. _____

G. FORMULA (FOR FECA ENTITLEMENT):

_____ X _____ X _____ / _____ = 10. $_____
ly Payrate - (Comp Rate - (Hrs - see (Hrs Wkd/wk -
e line 6) see line 7) line 8) see line 9)

II. Agency Certification:

H. Total Amount Due Agency to Repurchase Leave	11	$4,513.69
I. Estimate of FECA Entitlement (See Line 10)	12	$3,748.43
J. Balance Due Agency From Employee (Line H minus Line I)	13	$765.26

I hereby certify that above is consistent with agency payroll records.

The employing agency agrees to allow the employee to repurchase his/her leave. Leave records will be, or have been, changed from "Leave with Pay" to "Leave without Pay" for the period shown on the leave analysis.

I further certify that if this claim is signed by the employee, the employee has made arrangements to pay the agency the balance between the total amount the agency requires to recredit leave and the amount of the FECA entitlement.

Pamela M. Edmunds — SUPERVISOR CIVILIAN PAY
(Signature of Agency Official)

Phone No: (843) 746-6522 Date Signed: 13-Jan-03

Employing Agency Address for Check: DFAS-CLEVELEND (DSSN 8522)
DFAS-CLEVELAND CENTER
P.O. BOX 998010
CLEVELAND OHIO 44199

III. Employee Claim:

____ K. I hereby elect not to repurchase the leave used at this time.

X L. I hereby elect FECA compensation to repurchase leave used for medical care or disability resulting from my job-related injury or condition.

I understand that I am responsible for paying my agency the difference between the FECA entitlement and the amount my agency requires to restore my leave, and have done or made arrangements for this.

I understand that if my actual entitlement to FECA compensation is within 10% of the amount estimated above, OWCP will process the leave buy back. If the payrate in the worksheet above is within 10% of the payrate determined by FECA, and less than the full period claimed is approved, OWCP will process payments for the approved period.

Harry M. Schmitt — 23 January 2003
(Signature of Claimant) (Date Signed)

March 11, 2003

FROM: DFAS, CHARLESTON OPLOC, CODE PBA, CHARLESTON, SC
TO: Harry M. Schmitt 265-35-4432
650 Dixon Blvd. Apt 22B
Cocoa, FL 32922-7542

SUBJ: OWCP LEAVE BUY BACK

This office has received a check from the Office of Worker's Compensation Programs in partial settlement of your request to repurchase leave. The action is detailed as follows:

PRIOR YEAR RECOVERY AMOUNT RECEIVED BY EMPLOYEE FOR THE LEAVE PERIOD TO BE REPAID:

NET	$3329.79
FEDERAL TAX	882.46
HEALTH BENEFITS	50.42
OTHER (BOND $200.00, FEHB DEBT $50.42, FEGLI OPT A $.60)	251.02
TOTAL AMOUNT DUE FOR REPAYMENT:	$4513.69
OWCP PAYMENT:	$3758.74
EMPLOYEE AMOUNT DUE:	*$754.95*

LEAVE ADJUSTMENTS:
ANNUAL -15.00 HOURS
SICK +182.00 HOURS

Please prepare a check or money order made payable to DFAS-CL DSSN 8522 in the amount of $754.95 and send to DEFENSE FINANCE & ACCOUNTING SERVICE, CLEVELAND CENTER, P O BOX 998010, CLEVELAND, OH 44199. If you are unable to pay the full amount, you may elect to have payments made by payroll deduction, the minimum amount is $25.00 per pay period. We must have a statement from you expressing that request. The following memorandum is attached for your use. If payments are requested for leave which was used in the current pay year, the repayment must be completed by the end of the current pay year to adjust your taxable wages and taxes withheld.

If you do not either establish a payment schedule or pay your share within 30 days from the date of this memorandum, our office will return the check to the Office of Worker's Compensation for cancellation.

If we can be of any assistance to you, please contact Todd Beach at DSN 483-6522, commercial (843) 746-6522.

Pam Admiral
PAM ADMIRAL
CIVILIAN PAYROLL SUPERVISOR

(DFAS-CH/P)

MEMORANDUM – LEAVE BUY BACK

EMPLOYEE'S NAME: Harry M. Schmitt SSN: 265-35-4432

DATES OF LEAVE BUY BACK CLAIM: 08-27-01 TO 09-28-01

I. I elect to pay $754.95, my portion towards repurchase of my leave, in the following manner:

_X____ Lump sum. Please indicate payment is for a leave buy back.
MAKE CHECK PAYALBE TO: DFAS-CL DSSN 8522

_____ Payroll deduction –

I elect to have payroll deduction in the amount of $_____ (Minimum deduction is $25.00) each pay period until my balance is paid in full. Deductions to start upon receipt of this form. Leave will be restored when balance is paid in full.

_____ I elect not to buy back my leave.

Signature Harry M. Schmitt

Daytime Phone Number 321-617-7468

Date 20 March 2003

Database: ZGT East Pay Block: 300

Mail check to: DFAS, Cleveland Center
P O Box 998010
Cleveland, Ohio 44199

Office of Counsel
Strategic Systems Programs
Nebraska Avenue Complex
287 Somers Court NW, Suite 10041
Washington, DC 20393-5446
PH: (202) 764-2007
FAX: (202) 764-2100
Louise.vitale@ssp.navy.mil

Fax

To: Archibald Thomas — From: Louise Vitale

Fax: (904) 398-3271 — Pages: 14 plus cover

Phone: (904) 396-2322 — Date: February 10, 2003

Re: Mr. Schmitt

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Mr. Thomas,

Attached is Mr. Schmitt's statement. Ms. Townes instructed the other witnesses to make one line through the changes and initial any changes or insertions.

Regards,

Louise Vitale

DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
716 SICARD STREET SE SUITE 2000
WASHINGTON NAVY YARD DC 20388-5380

5211 P03-0705
SEROOJF/4U0100

FEB - 3 2004

Mr. Harry M. Schmitt
650 Dixon Blvd., Apt. #22B
Cocoa, FL 32922-7542

Dear Mr. Schmitt:

We have completed processing your Privacy Act (PA) request, which was referred to us by the Department of the Navy, Central Adjudication Facility (DONCAF), along with documents held by the (DONCAF) pertaining to you.

All of the DONCAF information has been processed and is provided to you in total under the provisions of the PA, 5 U.S.C. 552a.

Some of the information held by the DONCAF was originated and provided by the Defense Security Service, Privacy Act Branch, 601 10th Street, Suite 128, Ft. Meade, MD 20755-5134 and the Department of the Navy, Naval Ordnance Test Unit, Cape Canaveral, FL 32920-1623. Because we do not have the authority to release information other than our own, we have referred documents to those agencies for processing and direct response to you.

If you have any questions, please do not hesitate to contact our office at (202)433-9290.

Sincerely,

Linda M. Riddle

LINDA M. RIDDLE
Information and
Privacy Coordinator

Encl.
(1) Documents

Form Exempt Under 44 U.S.C. 3512

UNITED STATES OF AMERICA
FEDERAL LABOR RELATIONS AUTHORITY

CHARGE AGAINST AN AGENCY

FOR FLRA USE ONLY

Case No. AT-CA-05-0398

Date Filed 7/25/05

Complete instructions are on the back of this form.

1. Charged Activity or Agency
Name: Naval Ordnance Test Unit
Address: P.O. Box 1623
Cape Canaveral, Florida 32920-1623
Tel.#: (321) 853-1200 Ext.
Fax#: (321) 853-1214

2. Charging Party (Labor Organization or Individual)
Name: Harry M. Schmitt (Mike)
Address: 7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
Tel.#: (941) 923-2253 Ext.
Fax#: (941) 923-2253

3. Charged Activity or Agency Contact Information
Name: Ms. Louise Vitale, SPLE-12, Office of Counsel
Title: Navy Attorney, Strategic Systems Programs
Address: Nebraska Avenue Complex, 287 Somers Court NW
Suite 10041, Washington, D.C. 20393-5446
Tel.#: (202) 764-1207 Ext.
Fax#: (202) 764-2560

4. Charging Party Contact Information
Name: Archibald J. Thomas, III (Attorney)
Title: Attorney & Counselor at Law (Personal Representative)
Address: 1304 Riverplace Boulevard, Suite 1640
Riverplace Tower, Jacksonville, FL 32207
Tel.#: (904) 396-2322 Ext.
Fax#: (904) 398-3271

5. Which subsection(s) of 5 U.S.C. 7116(a) do you believe have been violated? (See reverse) (1) and (4)

6. Tell exactly WHAT the activity (or agency) did. Start with the DATE and LOCATION, state WHO was involved, including titles.

a) Revoked my Security Clearance for cooperating with Naval Ordnance Test Unit's Captain Angelika Evangelisty (Ret.) Second Inspector General, assigned to investigate improper use of Government Equipment on February 27, 2002 at Cape Canaveral Air Force Station, Florida. Persons involved Captain William H. Borger, USN, CDR Howard P. Miller, USN, CDR George B. MacEwen, USN, LCDR Mark L. Stevens, USN (Ret.), Ann B. Jones, NOTU's Ethics Officer, and Joyce K. Hertl, Third Party.

b) Revoked my Security Clearance for cooperating with Ms. Bernita S. Townes, Department of Defense Investigator. (Sworn Affidavit and Declaration on 18 Feb 2003)

c) I had already previously cooperated fully with Naval Ordnance Test Unit's first Inspector General, Captain Thomas, USN, on November 6, 2001 at Cape Canaveral Air Force Station, Florida in the Naval Ordnance Test Unit's Command Master Chief's office, ELB Building across street from Naval Ordnance Test Unit's Headquarters Building at Cape Canaveral Air Force Station, Florida.

d) Navy Attorney, Ms. Louise Vitale, SPLE-12, coerce a false sworn statement out of Ms. Milagros Vazquez, Deputy Equal Employment Officer, at Naval Air Warfare Center, Training Systems Division, Orlando, Florida on April 7, 2005.

7. Have you or anyone else raised this matter in any other procedure? ___ No X Yes If yes, where? (See reverse) EEOC, OPO, MSPB, OSC

8. I DECLARE THAT I HAVE READ THIS CHARGE AND THAT THE STATEMENTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT MAKING WILLFULLY FALSE STATEMENTS CAN BE PUNISHED BY FINE AND IMPRISONMENT, 18 U.S.C. 1001. THIS CHARGE WAS SERVED ON THE PERSON IDENTIFIED IN BOX #3 BY (check "x" box) ☒ Fax ☐ 1st Class Mail ☐ In Person ☐ Commercial Delivery ☐ Certified Mail

Harry Michael Schmitt — Harry Michael Schmitt — 22 July 2005
Type or Print Your Name — Your Signature — Date

PA-19

FLRA Form 22 (Rev. 1/99)

DEPARTMENT OF THE NAVY
STRATEGIC SYSTEMS PROGRAMS
NEBRASKA AVENUE COMPLEX
287 SOMERS COURT NW SUITE 10041
WASHINGTON DC 20393-5446

IN REPLY REFER TO:

2 March 2004
Ser. 017
SPLc-12

Harry M. Schmitt
650 Dixon Blvd.
Apt. #22B
Cocoa, FL 32922-7542

RE: Request for Records

Dear Mr. Schmitt:

On 5 March 2003 you submitted a Request for Records to the Department of the Navy Central Adjudication Facility (DONCAF). DONCAF forwarded the requested records to the Naval Ordnance Test Unit (NOTU) on 3 February 2004. Enclosed please find the requested records.

Regards,

Louise Vitale
Associate Counsel

Encl.

DEPARTMENT OF THE NAVY
NAVAL AIR SYSTEMS COMMAND
RADM WILLIAM A. MOFFETT BUILDING
47123 BUSE ROAD, BLDG 2272
PATUXENT RIVER, MARYLAND 20670-1547

12713
AIR-7.3.4/05-032
July 8, 2005

Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

Dear Mr. Schmitt:

This letter acknowledges receipt of your package to the Naval Air Systems Command (NAVAIR) Command Equal Employment Opportunity (EEO) Office, dated June 20, 2005. Please be advised that any further documentation related to your case should be forwarded to: Department of the Navy, Strategic Systems Program, Office of the General Counsel, P.O. Box 5769, Washington, D.C. 20016-1369. Ms. Louise Vitali, is the attorney assigned to your case. She has also informed us that she has received a copy of the material you sent to the NAVAIR Command EEO Office.

Ms. Vitali has also informed us that your appeal is currently awaiting a decision from the Equal Employment Opportunity Commission's Office of Federal Operations. You should contact Ms. Louise Vitali, General Counsel, on (202)764-2007, if you need further assistance.

Sincerely,

Martha Kimbro

MARTHA KIMBRO
Deputy EEO Officer
NAVAIR Systems Command

RA-21

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P.O. Box 19848
Washington, D.C. 20036

Mar 22, 2005

Harry M Schmitt
7211 Capt Kidd Ave
Sarasota, FL 34231-4718

Docket # : 01A53006
Agency #1: 0262841002
Agency #2: 0262841001
Agency #3:
Filed : 032105

Dear Mr. Schmitt:

This Commission acknowledges receipt of your appeal on the date indicated. Any statement or brief in support of your appeal must be submitted to the Commission as well as to the agency within 30 days of filing the notice of appeal. The Commission will accept statements or briefs in support of an appeal by facsimile transmittal (Fax number 202-663-7022) provided they are no more than ten (10) pages long. You are reminded that it is your responsibility to ensure that the agency receives a copy of any material you submit to this office. You should reference the above docket number in all submissions and correspondence to the Commission.

You will be notified by first class mail as soon as a decision is reached on your appeal. You are responsible for providing the Commission with notice of any change of address. The Commission will terminate the processing of your appeal if you file a civil action, in accordance with 29 CFR 1614.409.

The Commission's appellate regulations are found in Title 29, Code of Federal Regulations, Part 1614 and at 64 Federal Register 37644(1999). The regulations are available on the Internet on EEOC's Home Page: WWW.EEOC.gov. You are urged to review these regulations.

Sincerely,

Robert J. Barnhart

Robert J. Barnhart, Director
Compliance and Control Division
Office of Federal Operations

ATE: September 25, 2006 To Fax No: (703) 601-9485

I: SSP Director

PRIORITY : URGENT

TENTION: SPLE-1 ✓ REGULAR

LEPHONE: (703) 601-9476

OM: Harry Michael Schmitt 0 PAGES TO FOLLOW
(941) 923-2263

SSAGE: ATTN: Ms. Louise Vitale, SPLE-12

Ms. Louise Vitale:

I am honored by you to be NOTUs first publicly acknowledged (Nudist) AANI employee. THANK YOU! GOD BLESS YOU! Take Care.

cc: U.S. President George W. Bush
U.S. Senator Bill Nelson
Director NCIS, Director DCIS
Director DON CAF
President PSAB
CNO (DNS-36)
CNO N09N2
CNO N6
CO NOTU, XO
Mr. Archibald J. Thomas
Dr. Scott Parmesly
Dr. Mark H. Bruß
Dr. Cathy P. Milam
Dr. Julie A. Larkin
Ms. Norma E. Davis, LPN, L.M.T., C.T.
Ms. Linda K. Erickson, L.C.S.W., A.C.S.W., C.C.M.
Ms. Ann B. Jones, NOTUs Ethics Officer

FIRST PHYSICIANS GROUP
of Sarasota
Your choice for total health care.

September 18, 2001

Robert Blankenship, Ph.D.

Re: Michael Schmitt:

Dear Dr. Blankenship:

I examined Michael Schmitt today. He has complained of multiple medical problems and has been treated with apparent efficacy at this point. He remains overweight but otherwise is in good health.

I would expect he will need follow-up from time to time to address recurrence of his prostatitis or other acute complaints as they occur. He is continuing to follow-up with Linda Erickson for management of his posttraumatic stress disorder.

Sincerely,

Mark H. Brus, M.D.

MHB/dpb

My doctor had recommended to me Colon Hydrotherapy with Ms. Norma E. Davis and soaking my hemorrhoids which are known to explode in private spa warm tubs with bottom and lower back jets (preferably clothes free tubs).

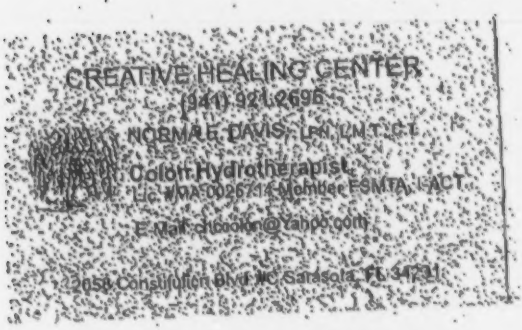
Family Practice Associates
Family Practice
Leonard L. Schwartzbaum, MD
Barry L. Sacks, MD
Lawrence H. Greenberg, MD
Kevin J. Owens, MD
Internal Medicine/Pediatrics
Adrian L. Pauchon, MD
Mark H. Brus, MD

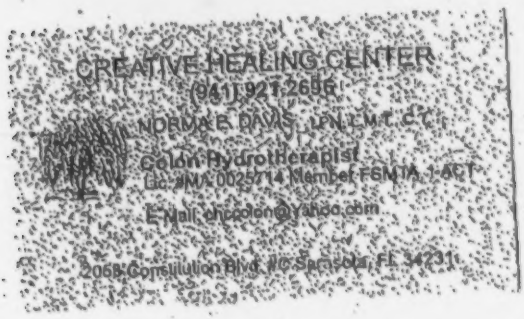
Carol Phillips, RN,NP

6738 S. Tamiami Trail
Sarasota, FL 34231
(941) 923-5183
(941) 923-3184 Fax

We are partners in health with Sarasota Memorial Health Care System

aanr
NUDE RECREATION
MEMBER
HARRY M SCHMITT
CYPRESS COVE
156402 P1039081 FANR
Serving Family Social Nude Recreation Since 1931.


CREATIVE HEALING CENTER
(941) 921-2696
NORMA B. DAVIS, LPN, LMT, CCT
Colon Hydrotherapist
Lic. #MA 0025714 Member FSMTA, IACT
E-Mail: chccolon@yahoo.com
2058 Constitution Blvd. #C Sarasota, FL 34231


CREATIVE HEALING CENTER
(941) 921-2696
NORMA B. DAVIS, LPN, LMT, CCT
Colon Hydrotherapist
Lic. #MA 0025714 Member FSMTA, IACT
E-Mail: chccolon@Yahoo.com
2058 Constitution Blvd. #C Sarasota, FL 34231

PRINCIPLES

We recognize . . .
the essential wholesomeness of the human body and that life is enhanced by the naturalness of social nudity. From exercise to relaxation, physical health and mental well being are enriched through social nude recreation. We have the right to practice social nudity in appropriate settings, provided we do not infringe on the rights of others.

Signature: Howard Michael Schmitt

1-800/TRY-NUDE
1703 N. Main Street, Kissimmee, FL 34744-3356
Web Page: http://www.aanr.com

AVIS
AWD #T625103
800-331-1212

Alamo
BY #637892
800-354-2322

Hertz
CDP #1193824
800-654-2200

Tuesday
9-26-06
3 PM

Wednesday
Oct 4th
3 PM

TE: 31 January 2006 To Fax No: 904-398-3272

): Mr. Archibald J. Thomas, III
Attorney at Law PRIORITY : X URGENT

TENTION: Diane

LEPHONE: 904-396-2322 REGULAR

ON: Mike Schmitt
941-923-2253 0 PAGES TO FOLLOW

SSAGE: ATTN: Diane

Please file my Appeal of the Atlanta Merit Systems Protection Board's Decision with the Washington, DC Merit Systems Protection Board before the February 3, 2006 Deadline. THANK you for your time and help in this MSPB appeal matter.

Sincerely,
Harry M. Schmitt (Mike)
Harry M. Schmitt (Mike)

P.S. The packages have been delivered to the Inspector General, DOD, as well as, the Navy's CNO, Admiral Mullen for investigation.

DATE: 23 March 2006 To Fax No: 904-398-3271

TO: Mr. Archibald J. Thomas, III
Attorney at Law PRIORITY : URGENT

ATTENTION: Diane - Pass to Mr. Thomas Navy Complaint List X REGULAR

TELEPHONE: 904-396-2322

FROM: Mike Schmitt
941-923-2253 0 PAGES TO FOLLOW

MESSAGE: ATTN: Diane, Review of Charges Against Navy

1) Medical Privacy Act Violation Compliant
2) Un Fair Labor Practice Compliant
3) Discrimination - Sex, Male (Prohibited Actions)
4) Reprisal Disability - Protected EEO Activity Compliant
5) Coercion of Ethics Officer, NOTU, Cape Canaveral, FL - Citizen's Comp
6) Coercion of Deputy EEO Officer, NAWC TSD, Orlando, FL - Citizen's Com
7) Dissatified with EEO Process Compliant - Adverse Action, DOD IG Comp

Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231
(941) 923-2253

OBJECTIVE

A mid-level electrical engineering responsibility with the opportunity to advance to a senior-level assignment. Key areas of interest include electronic warfare systems, radar systems, optical electronic systems, satellite, telecommunications and power systems.

EXPERIENCE

DEPARTMENT OF DEFENSE, ELECTRONIC WARFARE & RECONNAISSANCE DEPARMENT, NAS Patuxent River, Maryland, 1986-1994 & SUPPRESSION OF ENEMY AIR DEFENSES FLIGHT, Eglin AFB, Florida, 1996-present.

Electronics Engineer. Have supervised up to 5 Electronics Engineers and Technicians.

- Originate NAVAIRSYSCOM AIRTASK/Work Unit proposals for avionics systems and assure that outlined requirements are technically reasonable and can be accomplished by requested dates. Proposals are assigned by section head for cognizant NAVAIRSYSCOM engineers.
- Write general and detailed systems test plans including cost analyses and ensure that methods used and procedures outlined will provide required data during prosecution of projects.
- Conduct evaluations of EW systems that may interface with complex systems. Also analyze data and document results.
- Prepare interim and final project reports and ascertain that all engineering information supplied from assisting sections, branches, directorate, and activities is pertinent to the evaluation and that conclusions and recommendations are based on technical data that is valid and reasonable.
- Provide technical assistance and advice to other Navy, D.O.D., and contractor development agencies/activities during research, development, and engineering tests, investigations, and demonstrations on aircraft.
- Serve as NAVAIRWARCENACDIV technical specialist in the areas of aircraft EW systems test and data analyses, system operational maintainability and supportability requirements, and government furnished equipment interfaces with systems under evaluation.
- Develop general and detailed Electronic Combat (EC) system employment concepts. The concepts are reviewed to ensure accuracy and are documented in the system handbook. The handbook is released concurrently to USAF field activities with software block cycle updates.
- Evaluate threat environment and recommend changes to ALQ-99 & HARM HTS mission settings to more effectively counter enemy radar systems in support of USAF electronic warfare integrated reprogramming (EWIR) program. Assures EC system operates at optimum levels.

- Prepare test plans and final reports including schedules, trip reports, and associated correspondence. Coordinate test plans and reports through chain of command for release signature of AWFC Commander. Assist with preparation and editing of AWFC technical publications.

- Develop comprehensive EC system test objectives and provide technical direction to test team. Participate in operational tests as required. Tests are conducted and results documented IAW AFI 99-101 (DT&E), 102 (OT&E), 103 (T&E Proc), 104 (Arm/Muni Test Proc) and 112 (EW T&E Proc).

- Provide fielding recommendations to higher headquarter (HHQ) based on outcome of testing for new hardware and/or software changes IAW test plan guidelines and HHQ suspenses.

EDUCATION

Post Masters in Electrical Engineering, University of South Florida, 1996.

Major Area of Research Study: Wireless Systems & Antenna and Electromagnetics
Minor Area of Research Study: Electrical Power Systems

Additional: Major Course Work focuses on operating principles, design and evaluation of R.F., microwave, millimeter & sub-millimeter wave systems and their overall impact on system performance, as well as, advanced antenna and electromagnetic theory, computational electromagnetics, and mathematical description of wave propagation.

Master of Science in Electrical Engineering, University of South Florida, 1995
Major Area of Study: Microwave & Electrical Power Systems

Bachelor of Science in Electrical Engineering, University of South Florida, 1986.
Major: Electronics Analysis & Power Systems

SPECIALIZED TRAINING

Electronic Warfare Systems, Radar Systems and Technology, Optical Electronics, Fiber Optics Systems, Power Systems, and Telecommunications.

Electronic Warfare Systems Technical & Operational Aspects, GWU, Jan 1987
Radar Systems & Technology, George Washington University (GWU), May 1987
Systems Design of Testability, University of Florida, Dec 1996
Information Warfare Systems, Maxwell Air Force University, Aug 1998

APDP T&E Level III Certificate, 24 Jun 1994
APDP SPRDE, Level III Certificate, 15 May 1998
APDP Program Management, Level II Certificate, 1 Jun 1998

AWARDS

8 Performance Awards received from 1988-1997.
3 Beneficial Suggestion Awards received in 1990, 1991 & 1996

PUBLICATIONS

4 technical reports & 1 tactics manual (classified) published by Department of Defense.

AFFILIATIONS

The Florida Engineering Society, The National Society of Professional Engineers, I.E.E.E. & The Association of Old Crows (An EW Association).

Schmitt, Mike

From: Stevens, Mark LCDR
Sent: Tuesday, January 23, 2001 7:35 AM
To: Daniel Jadoonath; Jack Jones; Lloyd Diehl; Mike Schmitt; Nancy Blount-Keyser; Walt Smith; Wayne Leach; William Quinn
Subject: FW: NOTU New Computer User Agreement form

-----Original Message-----
From: MacEwen, George CDR
Sent: Monday, January 22, 2001 11:39 AM
To: SPP Dept Heads
Cc: SPP Front Office
Subject: NOTU New Computer User Agreement form

New_user_agreement_Revised02... I would like Dept Heads to review with their personnel the User Agreement Form attached. This form specifies acceptable and unacceptable uses of NOTU's work computers. I am concerned that outside activities, who are not aware of our use requirements, may be sending unacceptable material to our computers. I realize you may not know someone is sending something inappropriate until after it has been opened, however, you and your people need to get the word out to habitual offenders of our policy. Please take prompt action to ensure proper use of our LAN and computers. R/GBM XO

SPP USER AGREEMENT

Commanders and commanding officers have the authority to control or limit the use of government information resources for purposes of security, morale, order and discipline as needed to promote the efficiencies of their command. The commanding officer could authorize a system administrator to block access to specific sites, limit Internet access due to resource constraints, closely monitor any individual's access to information resources, or revoke an individual's access and use of government resources altogether.

Fleet personnel – military and civilian – are encouraged to use their government computers to access the Internet and develop their information skills provided that use is of a reasonable duration and frequency, and, whenever possible, made during personal time.

All users are required to challenge all strangers and non-badge personnel attempting to use any system.

Permissible uses are defined to include all uses not prohibited by law, regulation, instruction or command policy. Prohibited uses include, but are not limited to, the following:

1. All users are required to know the security level of data (i.e. Unclassified, Confidential, Secret, etc.) which can be processed on each machine.
2. Accessing, storing, processing, displaying, distributing, transmitting or viewing material that is pornographic, racist or subversive in nature. This includes any material which promotes hate crimes or which would cause embarrassment to the command or otherwise is adverse to its interests.
3. Accessing, storing, processing or distributing classified, proprietary, sensitive, "for official use only" or Privacy Act protected information in violation of established security and information release policies.
4. Obtaining, installing, copying, pasting, transferring or using software or other materials obtained in violation of any patent, copyright, trade secret or license agreement. Any software brought into the command must be checked and authorized for use by the NOTU MIS Division prior to installation. Software must be virus scanned before loading on any machine in the command. *The Federal Copyright Act of 1976 prohibits duplication of copyrighted software, except as specifically permitted by the manufacturer. Copyrighted software is designated by the appropriate symbol © or by the word "Copyright".* Violation of the Copyright Act of 1976 is a Federal offense prosecutable under Federal law.
5. Using the system for personal financial gain, with the exception of utilizing a command approved mechanism such as a welfare and recreation electronic bulletin board for advertising personal items for sale. Examples of prohibited activity include the following:
   a. Fund raising activities, either for profit or nonprofit, unless the activity is specifically approved by the command (e.g., morale welfare, recreation car washes, etc.).
   b. Gambling, wagering or placing of any bets.
   c. Writing, forwarding or participating in chain letters or virus hoaxes.
   d. Posting personal home pages.

The foregoing policy will directly improve the professional skills of our personnel, enhance productivity and, most importantly, support our mission by ensuring timely access to available information.

Any violation of these restrictions can result in disciplinary or administrative action.

SPPCode: _____ Name: _____

Signature: _____ Date: _____

Revised 03-03-00 → Nobody signed the XO's New Computer User's Agreement - they just laugh at it.

PA-32

From: Diehl, Lloyd P
Sent: Sunday, January 23, 2000 11:04 AM
To: 'spp331@aol.com'; Daniel Jadoonath; Jack Jones; Mike Schmitt; Nancy Blount-Keyser; Walt Smith; Mark Stevens; Richard Williamson
Subject: FW: Please follow me... Bomb technician graphic ... bmp files attached

Assigned spp 331 code by NOTU command when I became an apple

LCDR Mark Stevens → Mr. Dick Williamson was my supervisor old supervisor before LCDR Mark Stevens became his new supervisor when SPP 20 shop was formed from part of SPP 30 shop.

Improper use of spp 331 code by my supervisor.

Sent from my supervisor's home computer.

-----Original Message-----
From: Vince, Bob LCDR
Sent: Friday, January 21, 2000 7:31 PM
Subject: Please follow me... Bomb technician graphic ... bmp files attached

Worker being threaten with a bomb. Improper mail for office.

Harry Michael Schmitt

Work Assignment – NOTU, Code SPP212
PO Box 1623
Cape Canaveral FL 32920

Phone (321) 619-7468 home
work (321) 853-0691 work

Complaint: Sexual Harassment

Sexual) Intimidation
Retaliation for turning in pornographic mater
found on computer -

Feels harassed by 1st line supervisor Lloyd Diehl for having turned in porno material which was found on his (Mikes) computer which was previously Mr Diehls computer & then Mr Diehls personal email was coming through Mr Schmitts official email and contained various pornographic pictures who ask other materials. ~~He later reported Mr Diehl~~ ~~to bring to Personnel Officer's attention but to bring~~ ~~to email address~~. After material was turned in to Mr Trosper of Strategic Systems Program Command, & Miss Ann Jones of NOTU. & NOTU Command notified Mr Diehl to notify his personal associates, contractors & government associates to stop sending email to Mr Diehl at address. At that time Mr Schmitt feels it became public knowledge & he turned in pornographic material. Mr Schmitt states Mr Diehl tells sexist jokes frequently in his presence & feels intimidated by them and feels that other employees are treated

PA-34

te/pkes and forwarding e-mails to E. Diehl.
Mr. Schmitt feels stressed both physically and emotionally as
is currently in counseling with CSAP pending release back to
work Oct 1, 2001.

Mr Schmitt feels it was 2d week July 2001 that confrontation
and retaliation for having turned in Mr Diehl for receiving
pornographic material

Mr Schmitt has been on sick leave, LWOP from 16 Jul 01 until 26 Aug 01 & a
then on sick leave.

met with Lt Col Clyde Steves, Linda Cook, Mr Diehl & Barbara Jones.
July We set up communications between Mr Diehl & Lt Col Steves
for a second meeting with Mr Diehl & Lt Col Steves
on 13 Jul 01 at which time it was decided
Mr Schmitt would go on LWOP and for counseling.

Harry Jm. Schmitt 19 Sept ~~July~~ 2001

Received by
Regina Duncan 19 Sep 01

Schmitt, Mike

From: Jones, B. Ann
Sent: Wednesday, September 19, 2001 11:36 AM
To: SPP ALL CIVILIANS
Cc: Windsor, Kim CWO2; Borger, William Capt
Subject: NEW EEO OFFICER

Importance: High

TO ALL FROM HRO, ORLANDO:
I am pleased to announce that Millie Vasquez has been selected as the Deputy Equal Employment Opportunity Officer (DEEO) for NAWCTSD and serviced organizations. Millie will report to duty on 24 Sep 01. Ms. Vasquez is currently a Human Resources Director at Roosevelt Roads in Puerto Rico and has extensive experience in the EEO field. Her office is Room 1101A and her phone number is x8946. x 8430 Raxleigh Hampton
Due to the recent departure of Mildred Fernandez, EEO Specialist, we have established an interim process for obtaining an EEO counselor. Ms. Regina Duncan, HRO, will serve as the point of contact. If you wish to obtain an EEO counselor, please submit an email to Ms. Duncan, requesting assignment of a counselor from NAVAIR. A procedure is being set up, in coordination with NAVAIR, for receipt of immediate EEO counseling services. This process will be in place until the recruitment of this important position is finalized.
If you have any questions, please feel free to contact me on x8114.
Sally A. Wagner
Director HRO
NAWCTSD
12350 Research Parkway
Orlando, FL 32826-3275
Phone: (407) 380-8114 DSN 960-8114

If you need additional assistance, please contact me or Jerome Davis at 3-1294.
VR,
ANN JONES
SPP701
DSN: 467-1206
COMM: 321-853-1206

4 Jan 01

Mike,

Here is your SF-50 for your WG-I - finally! Effective - 19 NOV 00.

Happy New Year!

VR,
Dan

DEPARTMENT OF THE NAVY

COMMANDING OFFICER ATTN: SPP212
NAVORDTESTU
PO BOX 1623
CAPE CANAVERAL FL 32920-1623

NAVAL ORDNANCE TEST UNIT

Fax

To: DFAS - Cleveland/PMCAA Attn: E/MSS / Mr. Giles
From: Harry M. Schmitt (SPP-212)
Fax: (216) 522-5800/(216) 522-6156
Pages: 1 plus Cover Sheet
Phone: 1-877-363-3697/216-522-6[illegible]
Date: 27 February 2002
Re: New Temporary PIN
CC: Harry M. Schmitt (SPP212) PH # (321) 853-0691

☒ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Attn: E/MSS

I need to request a NEW Temporary PIN. My information is as follows:

Name: Harry Michael Schmitt Signature: Harry M. Schmitt
SSN: 265-35-4432 Govt Employee Code: SPP212
Work PH #: (321) 853-0691 Work FAX #: (321) 853-3675

THANK YOU for your time, attention and assistance in this request for a NEW Temporary PIN. Have a NICE DAY!!!

NAME: HARRY MICHAEL SCHMITT
SSN: 265-35-4432

My supervisor asked me to work with Ms. Ann B. Jones on my electronic leave and earning statement and U.S. savings bond applications. During my work with Ms. Jones on these applications, I asked Ms. Jones how the front office was treating her and she responded back to me that they were going to fire her and that she would end up in a Wal Mart for my fueling in my supervisor's pornography to her.

Harry M. Schmitt
Harry M. Schmitt (SPP212)

Linda K. Erickson, L.C.S.W.

2730 Bahia Vista
Suite 108
Sarasota, FL 34239

Phone 941-951-1500
Fax 941-952-9400

August 10, 2001

Mr.Robert Blankaship
Leading Edge Counseling
405 Pines of Warrick Drive
Chesapeake, Va.23322

Dear Mr.Blankaship,

Mr. Harry M.Schmitt who goes by the name of Mike is currently in counseling for Post Traumatic Stress Disorder due to job related stress. It is my recommendation that he be on a paid leave of absence or workmans compensation until October 1,2001. During that time he will be continuing with weekly counseling sessions. If I can be of further assistance, please contact me.

The XO was threatening to fire me before I even returned to work on the government cellphone I had with me.

Sincerely,

Linda K. Erickson

Linda K.Erickson

Linda K. Erickson, L.C.S.W.

2750 Bahia Vista
Suite 108
Sarasota, FL 34239

Phone 941-951-1500
Fax 941-952-9403

August 28, 2001

MR. Robert Blankenship
Leading Edge Counseling
405 Pines of Warrick Drive
Chesapeake, Va. 23322

Dear Mr. Blankenship,

Mr. Harry M. Schmitt began counseling for Post Traumatic Stress Disorder on July 23,01and continues to do so on at least a weekly basis. No medication is indicated at this time. He is suffering from high anxiety, shortness of breath at times, racing heart,poor appetite, problems getting to sleep--waking frequently--and waking early anxious, memory problems, problems staying focused, tightness in his chest, problems making decisions, low energy,and nightmares about sexual harassment on the job. Mike witnessed frequent sexually explicit jokes in the work place including meetings with outside contractors, a picture of a scantily clad woman on the wall of a co-worker, and pornographic material on his computer sent to the co-worker who previously had Mike's e-mail address. The pornographic material was the last straw and he immediately reported the situation. He was instructed by B. Ann Jones to not discuss the situation with any one on the job site. While she was out of town, his supervisor met with him demanding a detailed accounting of the situation. When Mike told him he was instructed by Ms. Jones not to discuss it, his supervisor became extremely confrontative and threatening. Mike is suffering from PTSD from this situation at work and the confrontative,threatening treatment by his supervisor. Therefore, he should be placed on paid leave of absence or workmans compensation. He was also told that his counseling would be paid for by the employer. The earliest I would consider his return to work is Oct. 1, 2001 but will make a decision closer to that time. Please contact me if I can be of further assistance.

Sincerely,
Linda K. Erickson
Linda K.Erickson

Linda K. Erickson, L.C.S.

2750 Bahia Vista
Suite 102
Sarasota, FL 34239

Phone 941-951-1500
Fax 941-952-9400

August 28, 2001

MR. Robert Blankenship
Leading Edge Counseling
405 Pines of Warrick Drive
Chesapeake, Va. 23322

Dear Mr. Blankenship,

Issues that need to be taken care of before Mike Schmitt's return to work are as follows:

1) No pornographic pictures posted in the work place

2) No jokes of a sexual nature in the workplace

3) No pornographic material on the computers in the workplace

4) No jokes of a sexual nature at meetings with outside contractors

5) Not to report to the previous supervisor

6) No harassment or mention of this situation by co-workers on his return to work

Schmitt, Mike

From: Schetzsle, Richard B. SKC
Sent: Wednesday, December 05, 2001 10:32 AM
To: SPP ALL
Subject: For your info

DECEMBER

SECNAVINST 5300.26 series makes clear that the prohibition against sexual harassment may be enforced through punitive, disciplinary, or administrative action under military or civilian systems, including punishment for violation of a lawful general order under article 92(1) of the UCMJ. All personnel are responsible for treating each other with mutual respect and dignity. This means fully and faithfully complying with the Navy's policy of zero sexual harassment. All DON personnel are accountable for their actions. The command condemns an innocent person for the sins of his supervisor. No good deed goes unpunished in the government.

SKC Rich Schetzsle
Command Managed Equal Opportunity Officer
Supply Department LCPO
Naval Ordnance Test Unit
853-1260

Civil Service engineers after the Cold War:
An examination of job satisfaction factors

Mr. Mike Schmitt, SPP 212

In June 2001, you participated in a research study examining job satisfaction factors among the engineering personnel within the Strategic Systems Program. Thanks to your participation the study was finally completed. The results were different than I would have guessed. I have included a copy of the abstract for your review.

Thanks again for all your help.

Sid, it was an honor and a privilege to help you obtain your Ph.D. goal. God BLESS you and congratulations again, Chief Engineer.

Sidney E. Beck, Ph.D., P.E., Chief Engineer

~~Congratulation~~ Congratulations, Sid, way to go!!!

Department of the Navy

Performance Award

in recognition of

Outstanding Performance

Presented to

HARRY M. SCHMITT

7 AUGUST 2000
Date

H. L. SHEFFIELD, CAPTAIN, USN
COMMANDING OFFICER

PA-##

Department of the Navy

Performance Award

in recognition of

Outstanding Performance

Presented to

HARRY M. SCHMITT

20 JULY 2001
Date

H. L. SHEFFIELD, CAPTAIN, USN
COMMANDING OFFICER

RA-45

BEST AVAILABLE COPY

Schmitt, Mike

From: Stevens, Mark LCDR
Sent: Thursday, October 25, 2001 11:24 AM
To: Capps, Bev; Jadoonath, Daniel; Jones, Jack; Herll, Joyce; O'Donnell, Ken MTC; Diehl, Lloyd P; Schmitt, Mike; Blount-Keyser, Nancy A.; Gallon, Peggy S.; Smith, Walt; Leach, Wayne MTC
Subject: FW: CHANGE TO APPOINTMENTS WITH THE SSP INSPECTOR GENERAL

—Original Message—
From: Bauer, Martin ENS
Sent: Wednesday, October 24, 2001 3:42 PM
To: SPP Dept Heads
Subject: FW: CHANGE TO APPOINTMENTS WITH THE SSP INSPECTOR GENERAL

Please note the difference in the location of interviews and POC for the scheduling of appointments, this is to ensure the utmost of confidentiality to our personnel here at NOTU. This supercedes the previous E-mail regarding this subject. VR, ENS Bauer

—Original Message—
From: Bauer, Martin ENS
Sent: Monday, October 22, 2001 10:21 AM
To: SPP Dept Heads
Cc: Jones, B. Ann
Subject: APPOINTMENTS WITH THE SSP INSPECTOR GENERAL

The SSP Inspector General will be available for personal interviews during the 5 - 9 November 2001 Command Inspection of NOTU. Interviews will be held in the CMC's Office from 0900 - 1100 on 6 November 2001. All civilian and/or military personnel may discuss any matter of personal concern, other than informal or formal grievance proceedings. Department heads please ensure the widest dissemination within your divisions. Appointments can be made and scheduled via the SSP Inspection Coordinator, Ms. Debbie Jo Foster, SP-01G @ DSN 764-1596 or (202) 764-1596 Vlr, ENS Bauer, Spp 70 (acting) - * Mike Schmitt's appointment time with CAPT Thomas: 09:00 hours on 6 Nov. 2001.

CDR George B. MacEwen was threatening to fire me, if I complain to the SSP IG, I ask the IG not to punish me for turning in my supervisor's pornography for him. He told me he would talk to the command about it.

Command Inspection of NOTU
5 – 8 November 2001
Schedule of Events

5 November 2001

0600 – 1700 Base Badge office hours – schedule to get badge by calling 321-853-3458

1300 – 1500 SP-01G Pick-up & start evaluating survey results

1500 – 1530 Inspection Team Meeting

6 November 2001

0730 – 0800 Inspection Team Meeting

0800 – 0830 In-Brief with NOTU

0830 – 1530 IG Team conducts inspection

* 0900 - 1100 Personal IG Interviews with CAPT Thomas (CMC Office, NOTU ELB Bldg)
*Mike Schmitt's appointment time with CAPT Thomas: 09:00 hours

1300 – 1500 SP-01 review of SPO with LCDR Tucker

1500 – 1600 IG Team Meeting, provide completed functional area write-ups, brief SP-01 on completed or problem areas

7 November 2001

0715 – 1530 IG Team Continues Inspection

1530 – 1600 IG Team Meeting; provide completed functional area write-ups, brief SP-01 on completed or problem areas

8 November 2001

0715 - 1200 IG Team Meeting - Inspection complete - provide completed functional area write-ups - brief SP-01 on problem areas

1300 – 1500 IG Team Wraps-up inspection and completes report

1500 - 1600 Out-Brief

SP-01 Office, NOTU SP Headquarters Building, Room 110, Phone (321) 853 - 1200

Inspection Team Area, NOTU Support Building, Conference Room (second floor), Phone (321) 853-7980. Computers being prepared for your use to retrieve email are located in NOTU SP Headquarters Building, Room 104.

Schmitt, Mike

From:	Schmitt, Mike
Sent:	Thursday, November 15, 2001 7:22 AM
To:	'whiteem@navair.navy.mil'
Cc:	Schmitt, Mike
Subject:	E-Mail Time Line of Events
Importance:	High

Ms. White:

Per your request, I am forwarding your office the subject file for your review. THANK YOU for your time and help in this matter.

Very Respectfully,

Mike Schmitt
RF & Elect. Pwr. Sys. Engineer
Post MSEE, PA

SPP-212 E-MAIL TIME LINE OF EVENTS

1. Mr. Mike Schmitt, then SPP-331, turns in inappropriate pornographic materials detected in his E-Mail archives addressed to his supervisor, Mr. Lloyd Diehl, to Ms. Elizabeth Fischmann, NOTU's ethics officer in Washington, DC on January 16 & 17, 2001 during his lunch break. Ms. Fischmann advised Mr. Schmitt that he needed to inform his command, as well, about this inappropriate material.
2. Mr. Schmitt agonized over whether or not to bring the pornographic materials to his command's attention out of fear of reprisals, but then decided to do the right thing and informed Ms. Ann Jones, NOTU's unofficial ethics officer, on or about January 22, 2001.
3. NOTU's command sent out a New Computer User Agreement form on January 23, 2001 at 7:35 AM to Mr. Schmitt's supervisor by the department head, but during the follow-up staff meeting, Mr. Schmitt's supervisor did not ask any of his employees to sign the NEW command computer user agreement, and one employee, Mr. Jack Jones, stated in the meeting to everyone that "someone must have found pornography on their computer" to everyone present in the staff conference including Mr. Schmitt's supervisor and the department head. No one took Mr. Jack Jones' statement seriously during the staff conference. Mr. Schmitt's supervisor decided to place the unsigned NEW Computer User Agreement form in the department's folder.
4. Mr. Schmitt's old government SPP-331 code was being compromised on America on Line by one of Mr. Lloyd Diehl's relatives, which Mr. Lloyd Diehl acknowledged back to Mr. Schmitt, via E-Mail on January 31, 2001 at 12:46 PM, and the E-Mail was now being sent to Mr. Schmitt's NEW government SPP-212 by his supervisor's relative. Previously, Mr. Schmitt's supervisor had sent out to all his associates an E-Mail on April 12, 2000 at 5:39 AM advising them of the NEW department employee code changes which became effective on April 17, 2000.
5. SPPCOMCEN E-Mail Discipline was sent out by SPPCOMCEN on March 12, 2001 at 9:00AM to NOTU command. The department head transmitted this SPPCOMCEN E-Mail Discipline to Mr. Schmitt's supervisor on March 12, 2001 at 9:21 PM. Mr. Schmitt re-transmitted this SPPCOMCEN E-Mail Discipline on March 14, 2001 at 10:38 AM to all the contractor associates he was working with on various government/contractor projects.
6. Follow-up CNO N6 E-Mail Discipline was sent out by NOTU command on March 14, 2001 at 8:10 AM to all NOTU personnel and contractors. Mr. Schmitt re-transmitted this CNO N6 E-Mail discipline to all the contractors he was working with at the time on various government/contractor projects.
7. Following these sent out E-Mail Disciplines by Mr. Schmitt, Mr. Schmitt continued to received pornographic material on his NEW SPP-212 code addressed to his supervisor, as well as, his supervisor sending out a film clip to his employees of a man being hit in the groin by a golf ball hit off a tree by another man. Previously, Mr. Schmitt and other employees were shown an animal cruelty cartoon by Mr. Lloyd Diehl during a staff conference. Mr. Schmitt forwarded these subsequent inappropriate material to Ms. Ann Jones, NOTU's unofficial ethics officer.

MEMORANDUM FOR DISTRIBUTION

Subj: ANNUAL STANDARDS OF CONDUCT TRAINING PACKAGE

Ref: (a) DOD Joint Ethics Regulation, DOD Directive 5500.7-R, 30 August 93, as amended

1. Your annual Standards of Conduct training is being conducted this year through a computer based training module. This year both Confidential Financial Disclosure Form (OGE 450) filers and Public Financial Disclosure Report (SF 278) filers, the Senior Executive Service members and Flag officers, will be trained using an interactive computer training module that was produced by the Department of Defense, Standards of Conduct Office. The training module lists the DOD Standard of Conduct Office (SOCO) as the Ethics Counselor. Your ethics point of contact is Dean Berman, SSP Counsel, or myself. When you are ready to start the training module, just click on the link attached below. The training should take approximately 40 minutes to complete.

2. As an employees who is required to file an OGE 450, you must review the attached training materials by 15 December 2000 in order to comply with the annual training requirements of reference (a). Once you have completed the training module please click on the box at the end of the training module that says "everyone else email your ethics counselor". Send your email to SPP701. Although this is not "your ethics counselor" Ann Jones is your local point of contact for ethics issues and she will be collecting the emails to be sure each employee completes the training. If you will be unable to complete the training by 15 December 2000, contact SPP701 at 3-1205 to request an extension. If you have questions about the training materials or any standards of conduct issue, please give me a call at (202) 764-1684 or forward your questions to me via e-mail.

Elizabeth Fischmann
Associate Counsel
SPLe-1

CLICK ON THE LINK BELOW TO BEGIN TRAINING:
http://www.defenselink.mil/dodgc/defense_ethics/2000_online_training/cover.htm

FA-50

Enclosure (1)

account. The email stated, "Just a reminder. My old email address (spp331@ssp.navy.mil<mailto: spp331@ssp.navy.mil>) does not go to me, it goes to someone else. Please DO NOT use that address for future correspondence. My address is spp21@ssp.navy.mil<mailto: spp21@spp.navy.mil>). I would also, like to remind all that I DO NOT want to receive non work related material via email." When this email was sent, the complainant felt that Mr. Diehl had just informed everyone that it was he who had turned in the pornographic email because employees in their department could look back in the records and see who had that email account prior to the reorganization in April 2000 when everyone was given new email addresses.

15. INFORMAL RESOLUTION EFFORTS:

All of the conditions the complainant required before he would return to work: 1) no pornographic pictures posted in the work place; 2) no jokes of a sexual nature in the workplace; 3) no pornographic material on the computers in the workplace; 4) no jokes of a sexual nature at meetings with outside contractors; 5) not to report to Mr. Diehl; and 6) no harassment or mention of this situation by co-workers in the workplace, were met except for number 5, not to work for his supervisor. The complainant said that he would accept a public apology from his supervisor, made to everyone attached to NOTU for all the problems he suffered to resolve the claim. Mr. Diehl agreed to apologize for anything he may have had a part in, but he didn't feel he had a part in all that the complainant was alleging. Therefore, no resolution was reached.

* My supervisor came to me, but instead of apologizing to me, which I would have accepted, he began explaining to me why he was receiving pornography from Mr. Terrell W. Addams and others. He said to me that he started that stuff with Mr. Addams and others on his home computer long before I came to NOTU and that it had gotten away from him and leaked onto the work computers at NOTU.

16. NOTICE OF FINAL INTERVIEW:

The final interview was given on 8 January 2002. At that time he was informed he had fifteen days from the receipt of the notice of final interview to file a formal complaint. The complainant indicated that he would be filing formally.

Elise M. White
Elise M. White
EEO Counselor

(301) 342-6870
Telephone Number
Naval Air Systems Command
Patuxent River, MD 20670-5304

March 28, 2002
Date Counselor's Report Completed

Equal Employment Opportunity
Patuxent River, MD 20670

12713
Ser AIR 7.3.4.B/02-004
8 January 2002

Subj: NOTICE OF FINAL INTERVIEW

Ref: (a) Department of the Navy Complaints Processing Manual
(b) 29 CFR 1614

Encl: (1) Complaint Form

1. This is notice that on the above date the final counseling interview was held in connection with the matter you presented to me, as the EEO Counselor. You initially requested an EEO Counselor on 8 June 2001 and alleged sexual harassment/hostile work environment based on several factors: your supervisor had a picture of a scantily clad woman (Britney Spears) on the back of his office door when you first reported to your position; you were subjected to vulgar/inappropriate jokes in the workplace; you received pornographic pictures/jokes/cartoons over your government email account which were addressed to your supervisor; and you felt your supervisor broke confidentiality based on an email he sent out to inform people not to send inappropriate emails to his previous account (your account). The basis of this complaint is sex.

2. If you believe that you have been discriminated against on the basis of race, color, religion, sex, age, national origin, disability, and/or reprisal for participating in protected EEO activity, you have the right to file a complaint of discrimination within 15 calendar days after receipt of this notice. If you do not file a complaint within this time, your complaint may be dismissed as untimely.

3. If you file a complaint, it must be in writing and filed in person or by mail with any of the following officials authorized to receive discrimination complaints:

Deputy Equal Employment Opportunity Officer
Naval Air Warfare Center, Training Systems Division
Code 734 (EEO)
12350 Research Parkway
Orlando, FL 32826-3275

COMMANDER
Naval Air Warfare Center Aircraft Division
22347 Cedar Point Road
Building 2185 Suite 3250
Patuxent River, MD 29670-1161

Director of EEO
(ASN (M&RA))
Department of the Navy
The Pentagon, Room 4E788
Washington, DC 20350-1000

The Secretary of the Navy
Washington, DC 20350-1000

4. Discrimination complaints must be processed by the EEO Officer at the activity of command where the complaint arose. To expedite processing of your complaint, you are urged to file directly with the EEO Officer where the complaint arose, since the complaint will be referred to that individual for processing, regardless of with whom it is filed. However, if you choose to file your complaint with any official listed above, other than the EEO Officer, be sure to provide a copy of your complaint to the EEO Officer where the complaint arose in order to ensure prompt processing of your complaint.

5. The issues in the formal complaint, which were discussed with an EEO counselor, and the matter giving rise to the complaint, must be sufficiently precise to describe generally the action(s) or practices(s) that form the basis of the complaint. Failure to provide this information may result in the dismissal of your complaint for failure to state a claim. The complaint must also state whether you have filed a grievance under a negotiated grievance procedure or an appeal to the Merit Systems Protection Board on the same subject matter, including the dates on which a grievance or an appeal was filed. This information is necessary for the Department of the Navy to determine whether your complaint is appropriate for processing under references (a) and (b). Enclosure (1) is provided for your use should you choose to file a complaint under reference (a).

6. If you retain an attorney or any other person to represent you, you or your representative must immediately notify the EEO Officer in writing. You will receive a written notice of receipt of your discrimination complaint from the appropriate agency official.

7. Should you have any questions, please contact me at DSN 342-6870 or commercial (301) 342-6870.

Elise M. White

Elise M. White
EEO Counselor

Schmitt, Mike

From:	Evangelist, Angelika CAPT
Sent:	Wednesday, February 27, 2002 4:23 PM
To:	Borger, William CAPT; MacEwen, George CDR; Stevens, Mark LCDR
Cc:	Carter, Christopher LCDR
Subject:	Investigation into the Improper Use of Government Equipment

I have been appointed as Investigating Officer into the investigation of the allegation of improper use of government equipment.

This is to notify each of you that I will be conducting interviews pursuant to the investigations. I will contact you to set up appointments.

I checked this person's ID with Ms. Debbie Jo Foster, SP-01G, SSP Inspection Coordinator and was ordered by the SSP Inspector General's Coordinator to fully cooperate with her even though I had already cooperated with NOTUS Inspector General, Captain Thomas on 6 Nov. 2001. This person went far beyond the scope of her authority without my knowledge or permission.

Schmitt, Mike

From: Diehl, Lloyd P
Sent: Wednesday, June 20, 2001 4:22 PM
To: Nunotani, Anita; Armstrong, Bruce; 'ARNNEWELL@aol.com'; 'Ballcoach5@aol.com'; 'Bambump@aol.com'; 'Barker, Bill'; Fisher, Bob; 'brahner@cfl.rr.com'; 'Callahan, Shannon (ORL)'; Chalgren, Kenneth J ; Jadoonath, Daniel; 'darlene'; 'Darlene Muldoon'; 'darlenecraze@netzero.net'; 'Dave & Sharon'; Aubry, David; Cherepon, David C; Houser, David A.; 'DDiehl1009@aol.com'; Kohl, Dick; Feeser, Donald C ; Murphy, Donald M; Powell, Don; 'Dufresne, Anna'; Wilson, E Jo-Ann; Eberle, Robert Oswald ; Hudson, Elwood E ; Engebretson, Scott L ; 'EpiphanyJ@cs.com'; Ewan, Larry P ; Faulconer, Richard C ; 'Fawna'; Filzgerald, Michael K ; Francis, Nicholas F ; Beck, Fred; Trenker, Gary C; Williams, Gary B; Gibson, Dudley ; Ginn, Robert Scott ; Hallrup, Jason C ; 'Heidi'; Hill, Clifton G ; Hyatt, William E ; Jones, Jack; Brooks, James P; Burnett, James D.; Ferraro, Janet; Woodward, Janet; 'JBISMAN70@aol.com'; Kirchmer, Jeffrey. A.; Petham, Jeffrey L ; 'Jennie Shye'; Jenneman, Robert T ; 'Jennifer Gash'; 'jim swingle'; Kuschnieryk, John; LeGrando, John R ; Mansolf, John; 'John V.'; Waller, John MTCS; Herl, Joyce; Hall, Judith A.; 'JusMeGC@aol.com'; O'Donnell, Ken MTC; Hermosillo, Kevin; 'KimmyG0628@aol.com'; Kling, David L ; Kraft, George ; Krays, Robert J ; Nimori, Lloyd; Manning, Jesse Harrison ; Mar, Leland ; 'Margdiehl@aol.com'; Bahia, Maria; Gotcher, Mark L ; Stevens, Mark LCDR; 'markfraz@bellsouth.net'; Martin, Roberta M ; Maloncha, Mike; Vacant, SPL211; Schmitt, Mike; Miller, Robert A ; 'mshrader@searay.com'; Blount-Keyser, Nancy A.; 'Pam@home'; Peeler, Jeffery William ; 'Peggy'; 'Peggy (Home)'; Gallion, Peggy S.; Petronin, Julian ; 'Rhsconsulting@msn.com'; Williamson, Richard E.; 'rob (msn)'; Kirkland, Robert A.; 'RobWCOCOA@aol.com'; Roth, Edward W ; Singer, Mark Edward ; 'Sharon Ganter'; 'STP43CHIC@aol.com'; Rodolck, Taryl; 'tom halten'; Leul, Tom; 'Tom S'; Walker, Joel Joseph ; Jones, B. Ann; Walt Smith; Frank J Quintero; Sidney E Beck; Thomas Richardson; Wayne Leach
Subject: email

Supervisor's associates including David C. Cherepon, Robert Oswald Eberle, Kevin Hermosillo and Rob Wilson aka. RobWCOCOA@aol.com

Just a reminder. My old email address (spo331@ssp.navy.mil) does not go to me, it goes to someone else. Please DO NOT use that address for future correspondence. My address is spo21@ssp.navy.mil. I would also like to remind all that I DO NOT want to receive non work related material via email.
Thank you for your time,
Lloyd Diehl

The Navy broke my supervisor's privacy right and my confidentiality right since everybody knew that my supervisor had assigned me his old E-mail address by previous E-mail. Ms. Ann B. Jones told me that my supervisor would be told by the XO to tell his associates via the telephone or in person not to send him anymore pornography at work, In order to protect my confidentiality and my supervisor's right to privacy.

29

Schmitt, Mike

From: Hermosillo, Kevin
Sent: Wednesday, December 12, 2001 12:03 PM
To: 'Clayton'; Schmitt, Mike; 'diehl, floydy'; 'Iniguez, Ruben'; 'Janet2eman@aol.com'; 'Sickenger, Kristina'; 'Woody'
Subject: FW: The Golfing Nun

-----Original Message-----
From: Torgerson, Bob
Sent: Wednesday, December 12, 2001 9:01 AM
To: Hermosillo, Kevin
Subject: FW: The Golfing Nun

-----Original Message-----
From: artnelson@juno.com [mailto:artnelson@juno.com]
Sent: Saturday, December 08, 2001 9:46 PM
To: dentalmac@earthlink.net; edwulet@yahoo.com; Miles331@peoplepc.com
Subject: The Golfing Nun

A nun is sitting with her Mother Superior chatting and decides to make a confession.

"I used some horrible language this week, Mother, and I feel absolutely terrible about it."

"When did you use this awful language?" asks the senior sister. "Well, I was golfing and hit an incredible drive that looked like it was going to go over 280 yards, but it struck a phone line that was hanging over the fairway and fell straight down to the ground after going only about 100 yards."

"Is that when you swore?"

"No, Mother," says the nun. "After that, a squirrel ran out of the bushes and grabbed my ball in its mouth and began to run away."

"Is THAT when you swore?" asks the Mother Superior again.

"Well, no." says the nun. "You see, as the squirrel was running, an eagle came down out of the sky, grabbed the squirrel in his talons and began to fly away!"

"Is THAT when you swore?" asks the amazed elder nun.

"No, not yet. As the eagle carried the squirrel away in its claws, it flew near the green, and the squirrel dropped my ball."

"Did you swear THEN?" asks Mother Superior, now becoming somewhat impatient.

"No, not then . . . because the ball fell on a big rock, bounced over the sand trap,
rolled onto the green, and stopped about six inches from the hole."

The two nuns are silent for a moment.

Finally, Mother Superior sighs, and now with a look of dismayed recognition in her eyes says disgustedly, "You missed the fucking putt, didn't you?

Improper dAlice E-Mail

Schmitt, Mike

From: Schmitt, Mike
Sent: Friday, May 12, 2000 2:44 PM
To: Petranin, Julian ; Hurley, Woodrow Jr; Sugiura, Masaru ; Trenker, Gary C; Lightcap, Michael W; Petersen, Thomas A
Cc: Schmitt, Mike
Subject: FW: New SPP 20 Codes

Importance: High

FYI

Very Respectfully,
Mike Schmitt
SE Electrical Engineer

---Original Message---
From: Diehl, Lloyd P
Sent: Monday, May 08, 2000 8:01 AM
To: Smith, Walt; Quinn, William MTCS; Leach, Wayne NTC; Daniel Jadoonath; Jack Jones; Mike Schmitt; Nancy Blount-Keyser; Mark Stevens
Subject: FW: new SPP codes

fyi

---Original Message---
From: Breaux, Mike [mailto:mike.breaux@lmco.com] <mailto:[mailto:mike.breaux@lmco.com]>
Sent: Tuesday, April 25, 2000 5:34 PM
To: Diehl, Lloyd P
Cc: Hogue, Melanie G; Jenneman, Robert T; Rude, Robert D
Subject: FW: new SPP codes

The following SPP codes have been updated to the new codes in the TFR system effective 4/25/00. Any open tfrcar assignments have been changed to reflect the new codes.

Mike Breaux

---Original Message---
From: Diehl, Lloyd P [SMTP:Lloyd_Diehl@SPP.SSP.NAVY.MIL] <mailto:[SMTP:Lloyd_Diehl@SPP.SSP.NAVY.MIL]>
Sent: Wednesday, April 12, 2000 5:39 AM
To: Adams, Terrell; Alder, Boyd; Nunotani, Anita; Barker, William; Sutphin, Bonnie; Campbell, Bruce; Chaligren, Kenneth; Paddock, Charles; Slone, Cheryl S.; Tilley, Chet; Colon, Christopher; Chu, Alan; Pringle, Darlan L.; Cherepon, David C; Houser, David A.; Kohl, Dick; Foeser, Donald; Eberle, Robert; Yoshioka, Edward; Engebretson, Scott; Fitzgerald, Michael; Gibson, Gary; Ginn, James; McLaughlin, Mary; King, David; Murdoch, Linn; Hildebrandt, Kris; Krygier, Stephen; Velfre, Lorin J.; Dunn, Marlees; Martin, Sal; Sferrazza, Paul; Vandeberg, Sheri; Tom hallen; Knutson, Tom; Tom Petersen (E-mail); Kiver, Roger; Schwab, Moulton; Schappacher, Scott M.
Subject: new SPP codes

Supervisor's associates including Terrell Adams; David C. Cherepon and Robert Eberle and William 'Bill' Barker and Donald Foeser.

Effective 17 April 2000, the following SPP codes will change as indicated:

NAME	OLD CODE	NEW CODE
Stevens, Mark L LCDR	SPP309	SPP20
Diehl, Lloyd	SPP33	SPP21
Jadoonath, Daniel	SPP335	SPP211
Schmitt, Michael	SPP331	SPP212
Blount-Keyser, Nancy	SPP332	SPP213
Jones, Jack	SPP333	SPP214
Smith, Walt	SPP334	SPP215
Quinn, William MTCS	SPP302	SPP221
Leach, Wayne NTC	SEP301	SPP22

After this E-Mail was sent out by my supervisor, I did not receive any more offensive/pornographic E-Mail to my supervisor from Mr. Adams (Terrell Adams) who I never met or worked with in my life and who did not know me, but had worked with my supervisor for many years. Why did he not turn me in to my supervisor for receiving offensive/pornographic E-Mail and why did my supervisor not turn Mr. Adams in for sending offensive/pornographic E-Mail to him? Could the reason be that my supervisor did not object to receiving this kind of E-Mail from his associate Mr. Adams?

From: Stevens, Mark LCDR
Sent: Wednesday, April 12, 2000 7:29 AM
To: Parrish, Sonya W.; Brown, Bill
Cc: Jones, Juanetta D. CWO4; Anderson, Michael W.; Aubry, David; Beck, Sidney E.; Blount-Keyser, Nancy A.; Burnett, James D.; Clenney, Marcus T.; Diehl, Lloyd P; Gallion, Peggy S.; Jadoonath, Daniel; Jones, Jack; Kirchmer, Jeffrey A.; Korzel, Henryk; Leach, Wayne MTC; Mansolf, John; Quinn, William MTCS; Quintero, Frank J.; Richardson, Thomas; Schmitt, Mike; Smith, Walt ; Wagner, David K; Williamson, Richard E.; Dover, Diane L.; Jackson, James L.; MacEwen, George CDR; Smothers, Glenn L.
Subject: SPP Code Changes

Bill and Sonya,

Effective 17 April 2000, the following SPP codes will change as indicated:

NAME	OLD CODE	NEW CODE
Stevens, Mark L LCDR	SPP300	SPP20
Diehl, Lloyd	SPP33	SPP21
Jadoonath, Daniel	SPP335	SPP211
Schmidl, Michael	SPP331	SPP212
Blount-Keyser, Nancy	SPP332	SPP213
Jones, Jack	SPP338	SPP214
Smith, Walt	SPP334	SPP215
Quinn, William MTCS	SPP302	SPP221
Leach, Wayne MTC	SPP301	SPP22
Dover, Diane	SPP013	SPP34
Korzel, Henry	SPP0131	SPP341
Jackson, James	SPP011	SPP35
Smothers, Glenn	SPP124	SPP351

NOTU Letter SPP300/U040600002 of 11 April 2000 is the authority for this change. Please alias tl old codes to the new codes so that we can minimize e-mail disruption.

Thanks
MarkS

Schmitt, Mike

From: Sheffield, Harold CAPT
Sent: Tuesday, August 29, 2000 2:10 PM
To: SPP ALL
Cc: Johnson, Patricia A.
Subject: RE: FITNESS HOUR

I encourage anyone who can take advantage of this service to do so.

H. L. Sheffield
Capt, USN
CO, TEAM NOTU
407-853-1200

-----Original Message-----
From: Johnson, Patricia A.
Sent: Tuesday, August 29, 2000 1:08 PM
To: SPP ALL
Subject: FITNESS HOUR

For further information regarding this updated program, contact Irvin Foster at 3-1296.

<< File: FITNESS HOUR.doc >>

PA-69

Schmitt, Mike

From: Diehl, Lloyd P
Sent: Tuesday, August 29, 2000 3:14 PM
To: Smith, Wall; Daniel Jadoonath; Jack Jones; Mike Schmitt; Nancy Blount-Keyser
Cc: Foster, Irvin L.; Mark Stevens
Subject: FW: FITNESS HOUR

I encourage you all to take advantage of this program and your 3 hours a week of "wellness".
Lloyd

-----Original Message-----
From: Johnson, Patricia A.
Sent: Tuesday, August 29, 2000 3:08 PM
To: SPP ALL
Subject: FITNESS HOUR

One more time, this time with the location.

Schmitt, Mike

From:	Diehl, Lloyd P
To:	Schmitt, Mike
Sent:	Monday, November 19, 2001 8:34 AM
Subject:	Read: NOTU Wellness

Your mes[illegible] <[illegible]>. To: Diehl, Lloyd P
Cc: Schmitt, Mike; Jadoonath, Daniel
Subject: NOTU Wellness
Sent: 11/16/01 8:12 AM

was read on 11/19/01 8:34 AM.

When I asked my supervisor about ~~this~~ my wellness request to him, he said No you turned me into the command and Ms. Ann B. Jones. Both my supervisor and the command had refused to work with my doctors for the recommended three month transition period from counselling to the work environment. Mr. Daniel Jadoonath said to me, that this was retaliatory and that I did the right thing, by turning ~~in~~ my supervisor's pornography for him, on the way to his wellness with my supervisor.

PA-61

2445 Bee Ridge Road
Sarasota, Florida 34239
941.926.6813
fax 922.3151
permeslymd@aol

permesly & permes

Scott Permesly, MD
Diplomate American Board of Psychiatry and Neurology
Certification in Child and Adolescent Psychiatry
Certification in Adult Psychiatry

Roxanne Permesly MEd
Diplomate American Board of Medical Psychotherapists
Lic. Mental Health Counselor
Certified Family Mediator

November 26, 2003 File Number: 062048358

U.S. Department of Labor
Attn: James W. Bridges, Senior Claims Examiner
Employment Standards Administration
Office of Workers' Compensation Programs
PO Box 8300, District 6
London, Kentucky 40742-8300

Re: Harry Schmitt

Dear Mr. Bridges:

I am very concerned about the condition of Harry Schmitt. I do agree that he is able to return to work at this time. However, he has not yet received what was promised to him by Kristina Oettel-Clark, "When you are medically ready, OWCP will make every effort to identify your vocational strengths and aptitudes to prepare you for employment in a specified job and aid in placement", from a letter dated June 24, 2003.

Without the above promised services, Mr. Schmitt could relapse and lose the progress that has been made that at this point makes him work ready.

This man deserves this courtesy and this service based on his service to the Navy and to mitigate the difficulty this employment situation has caused.

Thank you for your consideration in doing the right thing.

Sincerely,

Scott Permesly MD

Scott Permesly, M.D.

Enclosure: DOL Letter dated June 24, 2003

PA-62

Linda K. Erickson, L.C.S.W.

2750 Bahia Vista
Suite 108
Sarasota, FL 34239

Phone 941-951-1500
Fax 941-952-9400

December 02, 2003

U.S. Department of Labor
Attn: James W. Bridges, Senior Claims Examiner
Employment Standards Administration
Office of Workers' Compensation Programs
PO Box 8300 , District 6
London, Kentucky 40742-8300

File Number 062048358

Re: Harry M. Schmitt

Dear Mr. Bridges:

Harry M. Schmitt began individual counseling July 23, 2001 and has continued on a weekly basis until the current time. I am in concurrence with his psychiatrist Dr. Scott Permsly that he is able to return to work but only with the help promised that OWCP will make every effort to identify his vocational strengths and aptitudes to prepare him for employment in a specified job and aid in placement. He received this communication in a letter dated June 24, 2003.

I am very concerned about his condition since receiving the letter the day before Thanksgiving that his benefits will be cut off in 30 days. Since receiving that letter, he has not been able to sleep or eat and is obsessed that he will be homeless losing this benefit. He is anxious to return to work, but does need assistance from OWCP in doing so. He is in jeopardy of relapse and losing the progress made that makes him ready to work.

This gentleman deserves this assistance after the years of dedicated service to the Navy. His experience and skills should not be sacrificed due to the difficulty this employment situation has caused.

Please let me know if I may be of further assistance in this matter.

Sincerely,

Linda K. Erickson

File Number: 062048358
OD_PSY_C-O-I

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMPENSATION PROGRAMS
214 N HOGAN ST SUITE 1006
JACKSONVILLE FL 32202
Phone: (904) 357-4777

December 18, 2001

Date of Injury: 12/15/2000
Employee: Harry Schmitt

Harry M. Schmitt
650 Dixon Blvd Apt 22b
Cocoa, FL 32922

Dear Mr. Schmitt:

I am writing in reference to the claim for benefits under the Federal Employees' Compensation Act which you filed for an emotional condition. The materials which you have submitted to date have been reviewed. We have received your form CA2, and other various documents regarding your condition. This is not sufficient for this office to determine whether you are eligible for benefits under the FECA because you have not provided concrete documentation that clearly states that your condition is directly caused by your employment. Please provide the information requested below to OWCP (above address) at your earliest convenience. Please provide as much detail as possible.

Describe in detail the employment related conditions or incidents which you believe contributed to your illness. What aspects of your employment did you consider detrimental to your health? Do not respond in terms of general stress or strain. Be as specific as possible. Identify any relevant dates, locations, co-workers, supervisors, required duties, etc. For events or duties which you identify, describe how often they occurred and for how long. Provide names, addresses and phone numbers of any person who can verify your allegations. Please provide a copy of your response to this item to your employer for concurrence.

You claim your illness resulted from certain treatment by your employer. Please provide specific descriptions of all practices, incidents, confrontations, etc. which you believe affected your condition. What happened? How often? What was your reaction?

Have you filed any grievance, EEO complaint, or any other action related to the working conditions related to this claim? If so, please provide copies of all relevant documents including conclusions of fact finders and final decisions if available. If not available, when do you anticipate they will be?

Describe all sources of stress outside your Federal employment. Have you recently experienced situations in your personal or family life that include substance abuse, divorce, death or illness of a loved one? Describe your hobbies and any outside employment.

Describe the development of the claimed condition. When did you first notice it? Has it come and gone or has it been present continuously? What symptoms have you experienced? What seems to make it worse? Better? What treatment has been effective in controlling or curing it?

Provide details of all prior emotional conditions which you have experienced.

Have you ever been under the care of a psychiatrist, psychologist, or sought counseling? If so, for what reason? What benefit did you receive? Provide all relevant details.

Have you ever been hospitalized for an emotional condition. If so, when and where?

Do you, or have you ever taken medication for an emotional condition? If so, when and what medication?

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OD_PSY_C-O-I

Why do you feel that your job activities contributed to your condition?

Provide medical records from all prior treatment for an emotional condition.

You must provide as much detail regarding the cause of your condition as possible. You must also provide all information requested above. Please make sure that you provide a copy of your response to your employing agency for comment. This information is crucial to the adjudication of your claim.

OWCP may correspond directly with a physician or any other party who may be able to provide information which will help the Office make a decision on your eligibility for benefits under the FECA. Our efforts are intended to assist you in the collection of evidence. Please understand that it is ultimately your responsibility, as the claimant, to provide or ensure the provision of all evidence needed to decide your claim, including all information requested directly by the Office. Whenever a request for information is initiated by this Office, a copy will be sent to you so you may ensure that the requested information is provided as promptly as possible.

This Office is committed to rendering a timely decision on your claim. A reasonable period will be allowed for the submission of all requested evidence (approximately 30 days). If we have not received the requested information, an indication that it is forthcoming, or evidence that the information is not necessary to decide your claim, we will be required to render a decision on your claim based on the evidence in file.

If you do not understand any portion of this request, or are unable to provide all requested information for any reason, you should call or write to this Office immediately and request clarification or assistance.

Sincerely,

Fredrick D. Bolden
Claims Examiner

NAVY
NAVAL AIR WARFARE CENTER TRNG
SYSTEMS DIVISION CODE 7311 JC
12350 RESEARCH PKY
ORLANDO, FL 32826

650 Dixon Blvd.
Apartment # 22B
Cocoa, Florida 32922-7542
January 11, 2002

U.S. Department of Labor
Employment Standards Administration
Office of Workers Compensation Programs
214 North Hogan Street, Suite 1006
Jacksonville, Florida 32202

Ref: U.S. Department of Labor Letter dated December 18, 2001.
File Number: 062048358
OD_PSY_C-O-I

Encl: Additional DOL Requested EEO Sexual Harassment Documentation Package

Dear Sir/Madam:

I am writing in reference to your letter to me. In regard to your letter I submit the following answers to your questions:

1) I was sexual harassed, intimidated and retaliated against on the job which caused severe emotional trauma resulting extensive ongoing counseling sessions. Please refer to enclosed package for the relevant dates, the locations, the co-workers, the supervisors, the required duties, etc.
2) The sexual harassment, intimidation and retaliation events have been ongoing since mid January of 2001. Prior to this point in time, I suffering from the effects of Post Traumatic Stress when my Father died in late October of 2000, as well as, coping with my Mother's dementia mental health condition and my Brother's chronic smoking and alcoholism problems. Please refer to enclosed package for the additional information.
3) Please refer to the enclosed package for the names, telephone numbers and business and home addresses of my office co-workers for verification purposes.
4) Please refer to the enclosed package for the on the job practices, incidents, confrontations, etc. that affected my emotional condition. Please refer to the enclosed package for what happened on the job, how often it happened to me on the job and my reactions to the sexual harassment, intimidation and retaliation.
5) Yes, I have filed an EEO Compliant. Presently, the EEO Compliant is in the informal stage of being processed by the employing agency. I have been assigned an EEO Counselor, Ms. Elise White, stationed at NAS Patuxent River, Maryland. The EEO Counselor is in the process of completing her informal EEO Compliant investigation. Please refer to the enclosed EEO Compliant Package.
6) Post Traumatic Stress Disorder resulted from my turning in Pornographic material coming in to me at work on my government E-Mail code which was previously

File Number: 062048358
OD_PSY_C-O-I

held by my current supervisor, Mr. Lloyd P. Diehl, SPP-21. The Post Traumatic Stress Disorder condition has been continuously present since that point in time when I turned in the Pornographic E-Mail material to my employing agency. Please refer to the enclosed EEO Compliant package for the symptoms I have been experiencing since turning in the Pornographic E-Mail material to my employing agency. My condition is made worse by the continued verbal and E-Mail sexual harassment/retaliation material I have received since I turn in the Pornographic E-Mail material to my employing agency. My condition is made better when I do not receive any verbal and/or E-Mail material of an inappropriate nature on the job. My condition can be controlled by continued counseling sessions.

7) I have never been diagnosed with any prior emotional conditions before this on the job sexual harassment incident.

If your office needs further information regarding my emotional condition, Please feel free to contact me via mail to my above home address or you may reach by telephone. My home telephone number is (321) 617-7468. I THANK YOU for your inquiry in my above cited workers compensation claim. I look forward to hearing from your office in the near future regarding my claim. THANK YOU for your time, attention and assistance in my workers compensation claim.

Very Respectfully,

Harry M. Schmitt

Harry M. Schmitt
Post MSEE, PA

DEPARTMENT OF THE NAVY
NAVAL ORDNANCE TEST UNIT
CAPE CANAVERAL, FLORIDA 32920-1623

12713
SPP00/U053102001
3 JUN 2002

From: Commanding Officer, Naval Ordnance Test Unit
To: Mr. Archibald J. Thomas, III, Suite 1640 Riverplace Tower, Jacksonville, FL 32207

Subj: NOTICE OF ACKNOWLEDGEMENT FOR INVESTIGATION OF CLAIMS OF DISCRIMINATION IN THE COMPLAINT OF HARRY M. SCHMITT V. GORDON R. ENGLAND, SECRETARY OF THE NAVY, DOCKET NUMBER DON-02-62841-001

Ref: (a) Notice of Receipt letter of 11 Feb 02
(b) 29 CFR 1614
(c) EEOC Management Directive 110, as revised, 9 November 1999

Encl: (1) Your formal discrimination complaint of 1 Feb 02
(2) EEO Counselor's Report of 28 Mar 02

1. Per reference (a), receipt of your formal discrimination complaint was acknowledged and assigned docket number DON-02-62841-001.

2. Based on a review of enclosures (1) and (2) and in accordance with references (b) and (c), I have acknowledged the following claims for investigation:

a. Continuing sexual harassment/hostile environment based on sex (male) from December 1999 through present. The following are incidents that you believe support your claim of harassment/hostile work environment:

1. In approximately December 1999, the complainant's supervisor, Mr. Lloyd Diehl, had a picture of a scantily clad woman (Britney Spears) on the back of his office door when complainant first reported to NOTU;

2. In approximately mid-January 2001, the complainant found 9 (nine) allegedly pornographic pictures/jokes/cartoons that were addressed and sent to his supervisor from an outside contractor between January 2000 and March 2000 and were archived in complainant's government email account;

3. The complainant was subjected to allegedly vulgar/inappropriate jokes in the workplace, including incidents of jokes in November 2001;

4. On June 20, 2001, the complainant felt his supervisor broke confidentiality based on an email his supervisor sent out to inform people not to send inappropriate emails to his previous email account (complainant's old account).

Subj: NOTICE OF ACCEPTANCE OF FORMAL DISCRIMINATION COMPLAINT OF HARRY M. SCHMITT V. GORDON R. ENGLAND, SECRETARY OF THE NAVY, DOCKET NUMBER DON-02-62841-001

b. Hostile environment based on reprisal since June 2001. The following are incidents that you believe support your claim of harassment/hostile work environment:

1. The complainant felt harassed in June 2001 when his supervisor found out it was he who turned in the inappropriate emails and confronted him in a hostile manner.

2. Complainant feels that while the atmosphere improved after agency action, contractor employees continued in November 2001 to tell jokes in his presence as harassment in reprisal for his complaints.

3. If you believe that the accepted claims are not correctly identified, please notify me in writing within seven (7) calendar days of your receipt of this letter specifying why you believe that the claim is not correctly identified. Your allegations must be limited to the claims discussed with your EEO Counselor. If you do not reply, I will consider the allegations defined as above as correct.

4. By copy of this letter, the Department of Defense (DOD), Civilian Personnel Management Services (CPMS), Office of Complaint Investigations (OCI), Smyrna Area Office is advised of the claims which have been accepted for processing.

5. This complaint will be assigned to an investigator for formal investigation. Once assigned, you will be informed of the identity of the investigator and the date when the investigation is expected to begin. When the investigation is concluded, the investigative file will be forwarded to the activity address.

6. The EEO point of contact for this complaint is Milagros Vazquez, Deputy Equal Employment Opportunity Officer, 12350 Research Parkway, Orlando, FL 32828; telephone number 407-380-8430.

WILLIAM H. BORGER

Copy to:
Harry M. Schmitt
OCI, Smyrna, GA (w/ case file) CERTIFIED MAIL
Louise Vitale, Agency Representative (w/o case file)

650 Dixon Blvd., Apt. #218
Cocoa, Florida 32922-7542
21 August 2002

MEMORANDUM

To: CDR Howard Miller, NOTU

Subj: REQUEST TO EXTEND REPLY PERIOD

1. This is to inform you that the 30-calendar day period for replying will expire on 23 August 2002. The complainant's reply has not been completed. This letter is a request to extend the replying period. THANK YOU for your time and consideration of this request to extend reply period.

Harry M. Schmitt (Smith)
Harry M. Schmitt (Complainant)
Post MSEE, PA

_____ I agree to extend the replying period for a period of 30 days.

_____ I do not agree to extend the replying period.

_____
CDR Howard Miller, NOTU Date

650 Dixon Blvd., Apt. #22B
Cocoa, FL 32922-7542

May 20, 2002

Capt. William H. Borger, Commanding Officer
Naval Ordnance Test Unit
P.O. Box 1623
Cape Canaveral, Florida 32920-1623

Dear Capt. Borger:

I, Harry M. Schmitt, am employed as an Electronic Engineer in the Deployed Support Equipment Department. I suffer from post traumatic stress disorder. My current working conditions are exacerbating my health because of my current supervisor, Mr. Lloyd P. Diehl. Therefore, I am hereby requesting, under the Rehabilitation Act, that the Agency reasonably accommodate my disability. One possible accommodation may be assigning LCDR Mark L. Stevens or subsequent rotation replacement as my supervisor.

Thank you for your cooperation in this matter. If there are any questions concerning this, please do not hesitate to contact me.

Sincerely,

Harry M. Schmitt

CC:
CDR George B. MacEwen
LCDR Mark L. Stevens
Dr. Scott Permesly
Dr. Leonard R. Schwartzbaum
Dr. Mark H. Brus
Ms. Linda K. Erickson
Mr. Robert Blankenship
Ms. R. Hampton
Ms. Milegros Vazquez
Mr. Archibald J. Thomas, III

HMS/gb

PA-71

OF
SEP 1241GS (2-88)

INDIVIDUAL DEVELOPMENT PLAN
(Instructions on Page 2)

1. Employee's Name: SCHMITT, HARRY M.

2. Social Security Number: 265-35-4432

PRIVACY ACT STATEMENT

General - This information is provided pursant to Public Law 93-579 (Privacy Act of 1974)
Authority - Government Employee's Training Act of 1958, (US Code, Title 5, sec 4101 to 4118)
The information on this form is used in the administration of the federal training program. The purpose of this form is to document the nomination of trainees and completion of training, and it serves as the principle repository of personal, fiscal and administrative information about trainees and the programs in which they participate. The form becomes a part of the permanent employment record of participants in training programs and is included in the Government's Personnel Data File.
Effects of Nondisclosure - Personal information provided on this form is given on a voluntary basis. Failure to provide this information, however, may result in ineligibility for participation in training programs.

3. Current Position and Grade
ELECTRONICS ENGINEER, GS-0855-12-06, SPP212

4. Organization
NAVAL ORDNANCE TEST UNIT
P.O. BOX 1623
ATTEN: SPP20
CAPE CANAVERAL, FLORIDA 32920-1623

5. Developmental Experiences Needed For (Check One)
- [x] a. More effective performance in present or future positions
- [ ] b. No further career development desired/needed at present time

6. DEVELOPMENTAL OBJECTIVES/GOALS

a. Short Run (Forthcoming Year)
E2000 MISSILE FAM CLASS
D5 AIM PROCESSING AT ER
D5 MISSILE FLIGHT TERM SYSTEM OVERVIEW
D5 MISSILE SYSTEM BRIEFING
D5 SYSTEM SACE DETAILED OVERVIEW

b. Long Run (Following Three years)
PROFESSIONAL LICENSE, EIT & FE EXAMINATION PREPARATION CLASSES
COMPLETE USF Ph.D. PROGRAM

PA-72

7. METHOD OF ACCOMPLISHING OBJECTIVES/GOALS

PARTICIPATE IN NOTU'S SHORT TERM TRAINING CLASS AGENDA
PARTICIPATE IN LOCALLY OFFERRED ENGINEER IN TRAINING & ELECTRICAL ENGINEERING EXAMINATION PREPARATION CLASSES @ UCF, ORLANDO
SEEK LONG TERM TRAINING/CAREER ROTATIONAL OR CAREER BOARDENING ASSIGNMENTS → I verbally requested rotational career boardening assignment with the second Inspector General Captain Angelika Evangelist. She said she would talk to the commodore about it. No request came back to me, denied.

8. REMARKS

SEEK DOD'S LONG TERM TRAINING/CAREER ROTATIONAL OR CAREER BROADENING PROGRAM GUIDELINES & REGISTRATION PACKAGES

9. Employee's Signature (IDP concurred in by employee) — DATE: 5 October 2001

10. Supervisor's Signature (IDP concurred in by Supervisor

061690 DEC 14 2006

2006-3287 OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

HARRY M. SCHMITT,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent

and

DEPARTMENT OF THE NAVY,

Intervenor.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Federal Circuit

PETITION FOR WRIT OF CERTIORARI

Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718
(941) 923-2253

APPENDIX
Volume III

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BEST AVAILABLE COPY

DEPARTMENT OF THE NAVY
NAVAL ORDNANCE TEST UNIT
CAPE CANAVERAL, FLORIDA 32920-1623

12713
SPP00/U091902001
19 Sep 02

From: Commanding Officer, Naval Ordnance Test Unit
To: Mr. Archibald J. Thomas, III, Suite 1640 Riverplace Tower, Jacksonville, FL 32207

Subj: NOTICE OF ACKNOWLEDGEMENT FOR INVESTIGATION AND DISMISSAL OF CLAIMS OF DISCRIMINATION IN THE COMPLAINT OF HARRY M. SCHMITT V. RICHARD J. DANZIG, SECRETARY OF THE NAVY, DON-02-62841-002

Ref: (a) Notice of Receipt letter of 12 Aug 02
(b) 29 C.F.R. Part 1614
(c) EEOC Management Directive 110, as revised, 9 November 1999

Encl: (1) Complainant's formal discrimination complaint of date 29 Jul 02
(2) EEO Counselor's Report of 29 Aug 02
(3) Compensatory Damages Questionnaire

1. Your formal discrimination complaint of 29 Jul 02, enclosure (1), was acknowledged by reference (a) and assigned Docket Number DON-02-62841-002.

2. In my review of enclosures (1) and (2), I understand that your are alleging that on the basis of disability and reprisal, for your prior EEO activity, that you were discriminated against on 25 Mar 02 when you were debarred from the base. Furthermore, the following are the incidents that you believe support your claim of discrimination based on disability and reprisal:

a. The Cape Canaveral Air Force Station Police falsified an Incident Report to the NOTU Commanding Officer, Captain William H. Borger, stating that you were seen parked at Complex 17 for two hours which resulted in your debarment from the base.

b. Mr. Robert Blankenship, CEAP Coordinator, failed to notify you about seeking a mental health appointment denying you the opportunity to make a mental health appointment on your own.

c. Your cooperation with the Inspector General, Captain Evangelist, in the investigation of your prior EEO activity.

d. Your security access has been pulled and your security

clearance has been referred to the Department of the Navy Central Adjudication Facility (DONCAF) for review.

e. You have requested and been denied reasonable accommodation for your stress-related disability.

3. You also allege that you were not informed by your supervisor, either verbally or in writing, that he had signed Department of Labor (DOL), Office of Worker's Compensation Programs (OWCP) Package on 30 November 2001, and that this is retaliation for responding to a DOL, OWCP follow up letter.

4. Upon review of enclosures (1) and (2) and, in accordance with references (b) and (c), I have accepted the claim contained in paragraph 2, above, for investigation.

5. 29 Code of Federal Regulations 1614.105(a)(1) states that an aggrieved person must initiate contact with a Counselor within 45 days of the date of the matter alleged to be discriminatory or, in the case of a personnel action, within 45 days of the effective date of the action.

a. The events you address in paragraph 3 were not addressed to an EEO Counselor's attention within 45 days of the alleged event(s). This command has made a concerted effort to ensure that all Naval Ordnance Test Unit employees are made aware of the EEO complaints process and the applicable timeframes as evidenced below.

(1) EEO posters are posted on official bulletin boards. The posters contain the EEO Counselor's name and telephone number in addition to a reminder that an employee must contact an EEO Counselor within 45 days of the alleged discriminatory conduct in order to preserve his/her rights under the law.

b. In addition to the above, you filed an EEO complaint on 1 Feb 02. Your prior participation in the EEO complaints process is evidence that you had knowledge of the requisite timeframes to file a timely EEO complaint.

6. 29 Code of Federal Regulations 1614.107(a)(2) states that prior to a request for a hearing in a case, the agency shall dismiss an entire complaint that fails to comply with the applicable time limit contained in § 1614.105, 1614.106 and 1614.204(c), unless the agency extends the time limits in accordance with § 1614.604(c), or that raises a matter that has not been brought to the attention of a Counselor and is not like

or related to a matter that has been brought to the attention of a Counselor. Based on the above, the claim described in paragraph 3 is dismissed for being untimely. Furthermore, 29 Code of Federal Regulations 1614.107(a)(1) states that prior to a request for a hearing in a case, the agency shall dismiss an entire complaint that fails to state a claim under Sec 1614.10 or Sec. 1614.106(a) or states the same claim that is pending before or has been decided by the agency or Commission. You have failed to state how this alleged failure on the part of your supervisor adversely effected a term or condition of your employment. Alleged reprisal for filing a Workers' Compensation claim is not an allegation of reprisal within the jurisdiction of the EEOC. Based on the above, the claim described in paragraph 3 is also dismissed for failure to state a claim. Furthermore, it does not state a separate basis for the accepted claim.

7. There is no immediate right to appeal a partial dismissal of a complaint. However, this determination is reviewable by an administrative judge if you request a hearing on your complaint, but is not appealable until the final action is taken on the remainder of your complaint. If you elect a decision by the Secretary of the Navy, without a hearing, this decision will address all the claims in your complaint, including its rationale for dismissing the claims and its findings on the merits of the remainder of your complaint. The Secretary of the Navy's decision will include your appropriate appeal rights.

8. If you believe that the accepted claims are not correctly identified, please notify me in writing within seven (7) calendar days of your receipt of this letter specifying why you believe that the claims are not correctly identified. Your allegations must be limited to the claims discussed with your EEO Counselor. If you do not reply, I will consider the allegations defined above as correct.

9. In your request for corrective action, you ask for compensation for all damages suffered. In order to evaluate your claim for compensatory damages, in the event we are able to successfully settle your complaint, you must complete the Compensatory Damages Questionnaire, which is attached as enclosure (3). Mail the completed questionnaire to the address provided in paragraph 11 below within 30 calendar days of receipt of this letter so that we may evaluate your request for compensatory damages. Failure to complete and return enclosure (3) within the stated timeframe may negatively impact your claim

for compensatory damages during any future attempts to reach settlement of your claim.

10. By copy of this letter, the Department of Defense (DOD), Civilian Personnel Management Services (CPMS), Office of Complaint Investigations (OCI), Smyrna Area Office is advised of the claim, which has been accepted for processing.

11. This complaint will be assigned to an investigator for formal investigation. Once assigned, you will be informed of the identity of the investigator and the date when the investigation is expected to begin. When the investigation is concluded, the investigative file will be forwarded to Milagros Vazquez, Deputy Equal Employment Opportunity Officer, 12350 Research Parkway, Orlando, Fl 32828.

12. The EEO point of contact for this complaint is Milagros Vazquez, Deputy Equal Employment Opportunity Officer, telephone number (407) 380-8430.

W. H. BORGER

Copy to:
NAVCARD DP-8 (w/encl (1) only)
DOD, CPMS, OCI, Smyrna Area Office
Harry M. Schmitt
Louise Vitale, Agency Representative

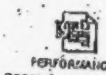
Schmitt, Mike

From: Schmitt, Mike
Sent: Friday, February 01, 2002 8:00 AM
To: Hager, Johnny
Cc: Schmitt, Mike
Subject: Mid-Year Performance Review

Importance: High

Ms. Hager:

I am forwarding your office my performance record statements for your review and forwarding to the EEO officer. THANK YOU for your time, attention and assistance in this EEO compliant matter. If you have any questions, comments and/or concerns, PLEASE feel free to bring them to my attention ASAP. You can reach me at Telephone # (321) 853-0691, or DSN 467-0691 or FAX # (321) 853-3675. Again, THANK YOU for your time, attention and help in this EEO compliant matter. Ms. Hager, you have a GREAT DAY!!!


PERFORMANCE RECORD STATEMENT.TIF

PERFORMANCE RECORD STATEMENT.G...

SF-312 E-Mail Type Use of Ev...

Very Respectfully,

Mike Schmitt
RF & Elect. Pwr, Sys. Engineer
Post MSEE, PA

Mike, is concerned w the appraisal period and it association with the past problems on email. Mike would like to reply (and attach) a reponse for this performance plan/evals

Lloyd 10/19/01

PERFOR
SSP 124

EMPLOY
SCHN

SSN
265-3

JOB TITL
ELECT

RATING
ELEMEN
UNACCE
PERFOR

ORGANIZATION
NAVAL ORDNANCE TEST UNIT

APPRAISAL PERIOD
1 Jul 00 – 30 Jun 01

P.D. CURRENT AND ACCURATE?
YES ☒ NO ☐

CHECK BOX IF EMPLOYEE IS ELIGIBLE FOR CONTINUED ACCESS TO CLASSIFIED INFORMATION AND DISCHARGE OF SECURITY RESPONSIBILITIES: ☐

ALL REQUIREMENTS; RATED "A" ON ALL CRITICAL

D "U"; DETERMINE EFFECT ON ORGANIZATIONAL
D BY A HIGHER LEVEL OFFICAL. "U" SUMMARY RATING

RATING OF RECORD:

SIGNATURES	INITIAL DISCUSSION DATE	MID-YEAR REVIEW DATE	INTERIM/SPECIAL REVIEW DATE	FINAL REVIEW RATING OF RECORD DATE
SUPERVISOR	Lloyd Pahl Jr 9/29/0	not available		Lloyd Pahl Jr 10/19/
EMPLOYEE	[illegible] 9/29/01			

INDIVIDUAL CRITICAL ELEMENTS – I AND II MANDATORY FOR ALL; III, IV, AND V MANDATORY FOR SUPERVISORS. SUPERVISORS MAY SELECT FACTORS FROM ELEMENTS III, IV, & V WHEN APPLICABLE. CHECK ALL APPLICABLE CRITICAL ELEMENTS AND FACTORS WHICH MAKE UP THE STANDARDS; IF SELECTED CRITICAL ELEMENT OR FACTOR IS DELETED DURING RATING PERIOD, INITIAL AND DATE. CRITICAL ELEMENT RATINGS ARE DEFINED AS FOLLOWS: "A"- FULFILLS ALL REQUIREMENTS FOR THIS CRITICAL ELEMENT; "U" – PERFORMANCE CHARACTERIZED BY SIGNIFICANT WEAKNESSES WHICH AFFECT OVERALL PERFORMANCE. THERE IS A NEED FOR CLOSER SUPERVISION, CORRECTION OF WORK RESULTS AND/OR REMEDIAL TRAINING. IMPROVEMENT PLAN, INCLUDING SPECIFIC WRITTEN DESCRIPTION OF "A" PERFORMANCE PROVIDED ON:

	APPLICABLE FACTORS	FINAL ELEMENT RATING
I. EXECUTION OF DUTIES- Consistently Accomplishes the Following:		
a. Skilful at performing the specific tasks required of the position.	☑	A
b. Understands work procedures and relationship of job to others.	☑	
c. Effectively structures activities to recognize and respond to priorities.	☑	
d. Organizes resources to get the job done with quality and on time.	☑	
e. Properly follows instructions.	☑	
f. Maintains a sense of responsibility for a task or project until completion.	☑	
g. Makes decisions and operates with attention to long-range strategic initiatives of the organization.	☑	
h. Effectively manages classified information.	☑	
i. Discharges security responsibilities.	☑	
j. Strives to increase competition and increase cost savings.	☑	
k. Specific additional program/mission goals (*optional - list below*)	☐	
1) conduct internal audits		
2)		
3)		
II. COMMUNICATION AND TEAMWORK - Consistently Accomplishes the Following		
a. Communicates clearly and orally and in writing.	☑	A
b. Builds and maintains interdependent relationships with individuals inside and outside the immediate organizational unit.	☑	
c. Keeps others informed regarding work projects they need to know to do their work.	☑	
d. Supports organizational efforts to develop effective teamwork.	☑	
e. Synergizes with team members to develop desired outcomes to accomplish mission objectives.	☑	
f. Organizes and prepares to reduce working in a crisis mode when changes in work priorities and procedures occur.	☑	
g. Seeks to understand new ideas and work methods.	☑	
h. Shows courtesy and respect for co-workers and other team members.	☑	

MEMORANDRUM

29 October 2001

From: SPP-212
To: SPP-21
Via: SPP-20
SPP-02
SPP-01

Subject: Pornographic E-Mails Being Sent to Mr. Schmitt's Government Mailbox

I discovered pornographic E-Mails being sent to my supervisor, Mr. Lloyd Diehl, across my old assigned Naval Ordnance Test Unit (NOTU) code SPP-331. When I became a NOTU employee, both my supervisor and me had verbally and via E-Mail notified the SPP and contractor communities of the change in government E-Mail codes. My supervisor had previously held the SPP-331 government E-Mail code prior to his promotion. I had just recently completed my Standards of Conduct Training when I discovered these porongraphic E-Mails in my mail archives; I became very traumatized, upset and worried over these E-Mails, because I had already been exposed to a scantly clad woman posted in the work space and jokes of a sexual nature by some of my office co-wokers. I felt very scared and very much alone now; I did not know which my of office co-workers to trust any more; these E-Mails violated the public trust, my trust in the chain of command had also been violated, as well, by these E-Mails. I began to have severe sleep disturbances at night over these inappropriate E-Mails...had these E-Mails already been detected on my government computer by higher headquarters in Washington, DC???...was I already guilty by unknowingly associated with it???...was my federal career, my reputation as a dedicated, honest, hardworking civil servant ruined by the E-Mails being on my government computer???

In the following few agonizing days of indecision that followed my detection of these E-Mails on my government computer, I felt deeply hurt, angered, remorseful with thoughts of being betrayed by my own superiors; these are the people I look up to for help, guidance and protection from this kind of thing, I did my very best to suppress my emotions while at work. Why me, I thought, why did it have to happened to me???...why did the command assigned me my supervisor's old E-Mail code??? Why did my supervisor anxiously asked me in a staff meeting about whether or not I was receiving any E-Mails from Mr. Terrell Adams???...why did my supervisor not tell me he was associating with these kind of people?? Why are they all joking around this subject area at work???...why did another supervisor call out into the hallway that he had pornography on his government computer and no one cared??? Why is the contractor trying so desperately hard to offer me personal services???...in return for what??? Why did the contractor tell me that they have brought down bigger people than me before??? What does all this mean, I thought, has someone compromise their government office??? I was not aware that my supervisor vulnerable to this kind of inappropriate E-Mail intimidation and did not have the heart and courage to tell his friends not to send him those kinds of inappropriate E-Mails to him at work...these people are his friends. Oh NO, I thought, this is an attack upon my government ethics, between what right and what is wrong!!!

It is the sworn duty of every federal government employee to monitor/screen their incoming E-Mails in order to make sure that are no incoming E-Mails which are inappropriate in nature. It is also the sworn duty of every federal government employee to maintain a safe and secure workplace environment for their fellow federal government co-workers. My supervisor already

had told me verbally twice in two separate staff meetings when I checked into NOTU that I had his old government E-Mail address, and he was acknowledging this fact back to me via E-Mails. The stress and strain of these few horrible days indecision about have to turn in my supervisor's friends for him, after I discovered the E-Mails on my government computer, was literally tearing me apart inside and became almost unbearable for me to handle alone.

I knew I had to act to protect my supervisors, my co-workers, my command and myself from this horrible E-Mail attack. I decided to report the detection of pornographic E-Mails on my government computer to Ms. Elizabeth Fischmann, NOTU's Ethics Counselor in Washington, DC. She advised me that I needed to report it to my command, as well. I then reported it to Ms. Ann Jones, NOTU unofficial ethics officer. In response, the command sent out an E-Mail discipline along with a New NOTU Computer User's agreement form to the SPP and contractor communities; but unfortunately, my co-workers, my supervisors and the contractors did not take the command's E-Mail discipline seriously and also chose not to implement the New NOTU computer user's agreement form, either that was sent out by the command XO. I was now receiving even more pornographic E-Mails coming in on my new SPP-212 government code addressed to my supervisor. Again, both my supervisor and myself had notified the SPP and the contractor communities verbally and via E-Mail of the new SPP-20 codes prior to these pornographic E-Mails coming in on my new SPP-212 E-Mail government code. I now became extremely sicken and very nervous over this whole E-Mail pornographic issue, my physical, emotional and psychological well being was being affected. It was becoming increasingly difficult for me to come to work and effectively do my work, due to lack of sleep over this pornographic E-Mail issue, while having my government ethics under attack. I now began to dreadfully feared the thought that my confidentiality for turning in these E-Mails might be broken in the near future.

The remainder of my performance record statement concerning pornographic E-Mail being sent to my government E-Mail box will be continued on my next performance record period of 1 July 01 to 30 June 02 as associated E-Mail events continued during this period, as well.

Very Respectfully,

Harry M. Schmitt

Harry M. Schmitt
MSEE, PA

MEMORANDRUM

29 October 2001

From: SPP-212
To: SPP-21
Via: SPP-20
SPP-02
SPP-01

Subject: FAMILY LEAVE - HARDSHIP

I had verbally informed my supervisor, Mr. Lloyd Diehl, during the summer of 2000 when the submarine tours were ongoing at the base, of my family situation with my father's heart and alcohol problems and my mother's failing mental health problems. Even with his alcohol problem my father did take care of my mother and his family as best as he could with that condition. He acknowledged those problems to me verbally and wished me luck with those personal family problems.

I left an E-mailed with my supervisor, Mr. Lloyd Diehl, that I was taking Family Leave because my father was in Sarasota Memorial Hospital suffering from the terminal illness of alcoholism. My supervisor was out on travel at that time and had left me in charge as acting SPP-21. I turned over the acting SPP-21 duty to Mr. Jack Jones before departing NOTU for Sarasota. My father hung to life with great determination during the weeks to come; but, in the end, the rest of the family knew that terrible disease of alcoholism that my father suffered from for my of his adult life would finally take his life. It was the most horrible, extremely sorrowful and painful event of my adult life knowing how much the myself and the rest of the family wanted to save him from this terrible disease; but, there was absolutely nothing I or the rest of family could do except watch him slowly die from it in the hospital. The last thing I was expecting, doing this traumatic event in my life, was a phone from my supervisor asking me when I was coming back to work. To me and the rest of the family in mourning at the hospital, it was an extremely insensitive phone call. This sent a message to me personally that the command d[illegible] not care what I and the rest of the family was going through at the hospital, and that, my father should hurry up and die, so that I could get back to work. My first duty was to my father, my bereaving mother, brother and sister and seeing to it that he was treated with dignity and respect being an Army Veteran. I was still very much in a state of mourning the loss of my father when I returned to work just before Thanksgiving. In the three weeks that followed I told everyone in the office, including my supervisor, about my mother's mental health condition and that the family was in the process of filing all the important household papers. Again, I still very much in mourning and suffering from the Post Traumatic Stress of losing not only my father, but also, my mother, as well, to dementia.

I did inform LCDR Stevens on his way of the office that Friday of my intention to take Christmas and New Years Leave because again, my supervisor was out on travel. I left the leave slip in my supervisor's inbox, but LCDR Stevens apparently forgot that I had told him that I was going to take this leave and to pass this on to my supervisor. During this Christmas and New Year's holiday leave I finished working getting my mother's affair in order, as well as, initiating the guardianship paperwork process with the family attorney. At this point in time, no competent family member had access to my mother's financial accounts to pay for my father's final hospital bills, burial expenses, my mother's doctor's bills, household bills, etc. The family and myself

were stressed to the limit of seeing to all my mother's needs in the weeks that followed my father's death.

I am as a federal employee entitled by federal law up to 12 weeks a year of Family Leave to deal with these kinds of family problems. Please, remember that I did not ask for all the post traumatic stress of dealing with these family problems over such a short period of time. It has been a tremendous shock to me both physically and mentally; and, I am coping with the personal problems as best as I can. I am open, and would be extremely grateful, for any further assistance the command can offer me.

Very Respectfully,

Mike Schmitt

Mike Schmitt
MSEE, PA

DEPARTMENT OF THE NAVY
OFFICE OF CIVILIAN HUMAN RESOURCES
614 SICARD STREET SE SUITE 100
WASHINGTON NAVY YARD DC 20374-5072

Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

FEB 28 2006

Dear Mr. Schmitt:

Thank you for your letter of January 16, 2006, to the Honorable Gordon R. England. You expressed concern regarding the processing of your Equal Employment Opportunity (EEO) formal complaint of discrimination. Specifically, you alleged that the Deputy Equal Employment Opportunity Officer, Naval Ordnance Test Unit (NOTU), Cape Canaveral, Florida, and another NOTU official were coerced into providing false sworn statements during the processing of your EEO complaint.

In accordance with the Equal Employment Opportunity Commission Management Directive (EEOC MD) 110, Chapter 5 IV-D, if a complainant is dissatisfied with the processing of his/her complaint, whether or not it alleges prohibited discrimination as a basis for dissatisfaction, she/he should be referred to the agency official responsible for the quality of complaints processing. Agency officials should earnestly attempt to resolve dissatisfaction with the complaints process as early and expeditiously as possible and document those efforts.

By-copy of this letter, with pertinent enclosures, your concerns are hereby referred to the Director, Strategic Systems Programs (ATTN: SPLE-1) 2521 South Clark Street, Suite 1000, Arlington, Virginia 22202-3903 for action and response, per EEOC MD 110. The agency official responsible for the quality of complaints processing will add a record of your concerns and any actions taken to resolve this matter to the complaint file maintained on your underlying complaint. If no action is taken, the file must contain an explanation of the agency's reason(s) for not taking any action.

I hope this information is helpful to you.

Sincerely,

ARTHUR C. BUCK III
Staff Director

Copy to:
Strategic Systems Programs

PA-83

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
May 28, 2006

Date/Place of Birth: Aug. 6, 1960/El Paso, TX
Date of Injury: 12/16/2000
DOL OWCP File No: 062048358
Social Security No: 265-36-4932

United States Office of Personnel Management
Federal Investigations Services Division
Federal Investigations Processing Center
Attn: FOI/PA Officer
P.O. Box 618
1137 Branchton Road
Boyers, PA 16018-0618

Dear Privacy Act Officer:

I am writing this letter to you to inform you of my medical Privacy Act Violation by the employing Agency, Naval Ordnance Test Unit, Cape Canaveral Air Force Station, Florida. The employing Agency, NOTU, did willfully send my medical records to Naval Criminal Investigative Service without my written consent or knowledge. I request a written response letter notifying me of my rights and responsibilities in this Privacy Act Violation matter by NOTU as soon as possible. THANK YOU for your time and response back to me. GOD BLESS!

Sincerely,
Harry M. Schmitt

United States
Office of Personnel Management

Center for Federal Investigative Services
Federal Investigations Processing Center
Boyers, Pennsylvania 16018-0618

In Reply Refer To: Your Reference:

July 11, 2006

Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

Dear Mr. Schmitt:

This is in response to your May 28, 2006, letter informing this office of a medical Privacy Act violation by your employing agency, Naval Ordnance Test Unit (NOTU), Cape Canaveral Air Force Station, Florida. You stated NOTU willfully sent your medical records to the Naval Criminal Investigative Service without your written consent or knowledge. You requested a written response notifying you of your rights and responsibilities in this Privacy Act matter.

You enclosed a letter dated October 17, 2003, from the Office of Personnel Management (OPM) that concerns the release of a background investigation conducted on you in 1997 at the request of the Department of the Air Force. This investigative file was released to you on October 22, 2003.

Your investigative file at OPM does not contain medical records; therefore, we must assume the medical records referred to in your letter are maintained by the Department of the Navy. Since you are alleging these records were inappropriately released, we suggest you contact the Department of the Navy. The address for the Freedom of Information/Privacy Act Office at Navy is: DONPA/FOIA Policy Branch, CNO (DNS-36), 2000 Navy Pentagon, Washington, DC 20350-2000.

Sincerely,

Kathy D. Baker
Supervisory FOI/PA Specialist

CON 132-48-3
November 2003

PA-85

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
July 18, 2006

Date of Injury: 12/15/2000
DOL OWCP File No.: 062048358

Department of the Navy Privacy Act Office
DONPA/FOIA Policy Branch, CNO (DNS-36)
Attn: Privacy Act Officer
2000 Navy Pentagon
Washington, DC 20350-2000

Dear Privacy Act Officer:

I am writing this letter to you to inform you of my medical Privacy Act Violation by the employing Agency, Naval Ordnance Test Unit, Cape Canaveral Air Force Station, Florida. The employing Agency, NOTU, did willfully send my medical records to the Naval Criminal Investigative Service without my written consent or knowledge. This Privacy Act Violation by NOTU was reported by me in my letter to the Navy's Equal Employment Opportunity Director at the Pentagon dated December 10, 2004. I request a written response letter notifying me of my rights and responsibilities in this Privacy Act Violation matter by NOTU as soon as possible. THANK YOU.

Sincerely,
Harry M. Schmitt

PA-86

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
August 16, 2006

Date of Injury: 12/15/2000
DOL OWCP File No.: 062048358

Department of the Navy Privacy Act Office
Chief of Naval Operations (DNS-36)
Attn: Ms. Doris M. Lama
2000 Navy Pentagon
Washington, DC 20350-2000

Dear Ms. Doris M. Lama:

THANK YOU for your reply letter, dated August 9, 2006, back to me. In my letter to the Navy's Equal Employment Opportunity Director dated December 10, 2004, I stated my medical privacy concern about the Navy sending an NCIS agent to one of my doctor's offices without my knowledge to secure my medical records in that office, specifically, Dr. Cathy P. Milam's office. As a matter of professional courtesy, Dr. Milam informed the Navy's NCIS agent that by law she can not provide my medical records to him without my written consent or a court order. It has always been my understanding, under the Privacy Act, that a request for medical records by the employing agency, specifically, NOTU,

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
August 16, 2006

should be brought to the attention of the patient first. By sending an NCIS agent to Dr. Milam's office first, I was denied my opportunity, under the Privacy Act, to provide the employing agency, NOTU, with the requested medical record. I am enclosing the employing agency, NOTU, requested medical record. If the Navy needs additional medical records from my doctors' offices, I ask, under the Privacy Act, that the request for medical records be brought to my attention first before sending an NCIS agent to my doctors' offices. THANK YOU for your time and reply letter back to me concerning my medical privacy concerns. Please forward my medical privacy concerns to the Office of Personnel Management Director, ASAP.

Sincerely,

Harry M. Schmitt

Harry M. Schmitt

encl.

cc: Dr. Cathy P. Milam
Ms. Tara K. Hagan
NCIS Director
DON CAF Director
SSP Director

4523 Park Lake Terr. N
Bradenton, FL 34209
April 6, 2003

Security Manager
Naval Ordnance Test Unit
P.O. Box 1623
Cape Canaveral, FL 32920

Security Manager:

I know that my brother has fully cooperated with the required security processing, which includes medical and psychological tests. Mike has always obeyed the law and cooperated with authorities. My brother is a trustworthy, and reliable person who has good judgement.

Sincerely,
Brenda Schmitt
Brenda Schmitt

Enclosure (2)

PA-89

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

5211
DNS-36/6U833315
September 12, 2006

Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

Dear Mr. Schmitt:

This responds to your letter of August 16, 2006, which was assigned DON Case File number 200601025.

You raised some of the same concerns in your letter, DON Case File 200601024, so I will not readdress those here.

If you wish to provide NOTU with a copy of your medical records, please do so directly. And, I leave all correspondence with the Office of Personnel Management with you.

Accordingly, your correspondence is returned.

I regret I am unable to assist you further.

Sincerely,

Doris M. Lama

DORIS M. LAMA
Head, DON PA/FOIA Policy Branch
By direction of the
Chief of Naval Operations
(202) 685-6545

Enclosure
Your correspondence

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
1 September 2006

Date of Injury: 12/15/2000
DOL OWCP File No.: 062048358

Chief of Naval Operations (N09N2)
Assistant for Information and Personnel Security
716 Sicard Street S.E., Suite 2000
Washington Navy Yard, D.C. 20388-5380

Dear Chief of Naval Operations (N09N2):

Pursuant to Sexual Harassment, hostile threatening workplace environment, law, I request Reconsideration of my Security Clearance Appeal before the Personnel Security Appeals Board based upon the enclosed documentation and correspondence. In addition, I have raised affirmative defenses, including, but not limited to the following: Sex discrimination, reprisal for engaging in activity protected under 5 USC § 2302(b)(8) (engaging in protected activity under the Whistleblower Protection and No Fear Acts, including complaints of ongoing prohibited personnel practices); harmful procedural error, including intentional or willful violations of the Privacy, Rehabilitation and Social Security Acts; disparate, unduly harsh, and severe penalty; and mitigating circumstances.

Sincerely,

Harry M. Schmitt

Harry M. Schmitt

cc: U.S. Department of Labor, OWCP

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

12 September 2006

From: President, Navy Personnel Security Appeals Board
To: Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

Subj: REQUEST FOR RECONSIDERATION OF SECURITY CLEARANCE

Ref: (a) Your letter dated 1 Sep 06 requesting reconsideration of security clearance

1. Your request for reconsideration of your security clearance was received at the PSAB on 11 September 2006. The PSAB is, however, unable to act upon your request because our appeal decision of 5 Dec 03 was final.

2. As you are requesting reconsideration of a security clearance, the request should be directed to the Department of Navy Central Adjudication Facility (DONCAF), 716 Sicard Street, S.E., Suite 2000, Washington Navy Yard, DC 20388-5380. The request for Reconsideration of your clearance, however, must be made through your Command Security Manager. If you are no longer working on a military project or command, then the request should be made through the command under which you worked at the time your clearance was denied or revoked.

3. Should you require further assistance on how to file the request for reconsideration, contact your command security manager, or DONCAF customer service, at 202-433-8880.

C. L. KLINE
President, Department of the Navy
Personnel Security Appeals Board

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
6 September 2006

Date of Injury: 12/15/2000
DOL OWCP File No.: 062048358

U.S. Office of Special Counsel
Attn: Ms. Erin M. McDonnell,
Associate Special Counsel for Legal Counsel and Policy
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

Dear Ms. Erin M. McDonnell:

THANK YOU for your letter back to me regarding my Freedom of Information Act Request to your office. I am enclosing a copy of the Freedom of Information Act Request by the Department of the Navy, Headquarters, Naval Criminal Investigative Service, Ms. Linda M. Riddle, Information and Privacy Coordinator, pursuant to 5 U.S.C. § 552(b)(7)(C) for your review and inclusion under the provisions of the Whistleblower Protection Act. Pursuant to reprisal for engaging in activity protected under 5 U.S.C. § 2302(b)(8) & (9), a copy of the above NCIS FOIA Request is being provided to the Department of Justice, Civil Litigation, Ms. Tara K. Hogan. THANK YOU!

Sincerely,

Harry M. Schmitt

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

August 18, 2006

Mr. Harry M. Schmitt
7211 Captain Kidd Ave.
Sarasota, FL 34231-4718

RE: Freedom of Information Act / Privacy Act Request
(Ref. # FO-06-0625)

Dear Mr. Schmitt:

I am writing in response to your letter, dated December 12, 2005. In that letter, you asked the Office of Special Counsel (OSC) to provide you with certain records or information. Your patience during any delay in responding to your request has been greatly appreciated.

Your request has been processed under both the Privacy Act[1] and the Freedom of Information Act (FOIA).[2] With respect to the Privacy Act, agencies are authorized by that act to exempt a system of records from public access, if the system consists of investigatory material compiled for law enforcement purposes.[3] Based on that authority, OSC has exempted its complaint, whistleblower disclosure, and Hatch Act records from public access.[4] For that reason, your request for records or information exempted from public access under the Privacy Act must be denied.

Access restricted by the Privacy Act, however, may be possible under the FOIA – that is, a FOIA request may give requesters access to some records that a Privacy Act request does not. After reviewing your request under the FOIA, and pertinent information about the records or information that you asked for, my response is shown in the enclosure with this letter.

The enclosure lists possible responses applicable to requests for records or information, including FOIA exemptions that may be relied on to withhold agency records. An "X" appears in brackets beside any exemption(s) or other response(s) applicable to your request.

---

[1] The Privacy Act appears in title 5 of the United States Code, at section 552a (5 U.S.C. § 552a).
[2] The FOIA can be found at 5 U.S.C. § 552.
[3] 5 U.S.C. § 552a(k)(2).
[4] See title 5 of the Code of Federal Regulations, at § 1830.5 (5 C.F.R. § 1830.5).

Please note that we have enclosed all documents exchanged between you and OSC, with the exception of a "zip" disk which appears to have arrived after your case was closed and which we are unable to duplicate here at OSC. Should you need a copy, OSC can have a duplication of the disk made upon your request, with the understanding that you would incur the cost of such duplication.

In closing, you have the right to appeal this decision under the Privacy Act, FOIA, or both. Any such appeal must be in writing, and be postmarked within 30 days of the date of this letter. The appeal should be sent to Ms. Erin M. McDonnell, Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, at the address shown at the top of this letter. Finally, please specify clearly whether you are appealing the Privacy Act determination, the FOIA determination, or both.

Sincerely,

Chris Kurt

Christopher M. Kurt
FOIA/Privacy Act Officer
Legal Counsel and Policy Division

Enclosure(s)

Enclosure

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

Determinations (# FO-06-0625)

Please note: *Unless you specified otherwise in your request, it was assumed that you were not asking for another copy of any information that you sent to the Office of Special Counsel (OSC), or that OSC sent to you. If that assumption was wrong, please notify the Legal Counsel and Policy Division representative identified in the accompanying letter, and a copy will be sent to you. Written notification can be faxed to (202) 653-5161. Citations below are to the Freedom of Information Act (5 U.S.C. § 552).*

A. Enclosed is a copy of some of the records responsive to your request. Other responsive records cannot be provided for the reason(s) checked below.	[ ]
B. Information covered by your request is withheld under the authority of FOIA exemption 2, because the information relates solely to internal agency personnel rules and practices. This exemption applies to administrative records such as correspondence control information, routing slips, administrative data forms, case tracking information, and computer or other administrative codes. § 552(b)(2).	[X]
C. Information covered by your request is withheld under the authority of FOIA exemption 3, because the information is specifically exempted from disclosure by another statute (other than the FOIA). § 552(b)(3).	[ ]
D. Information covered by your request is withheld under the authority of FOIA exemption 4, because the information consists of privileged or confidential trade secrets and commercial or financial information. § 552(b)(4).	[ ]
E. Information covered by your request is withheld under the authority of FOIA exemption 5, because the information consists of one or more inter-agency or intra-agency memoranda normally protected from discovery in civil litigation, based on one or more legal privileges. § 552(b)(5). These include the attorney work product privilege, and the deliberative process privilege. Martin v. Office of Special Counsel, 819 F.2d 1181 (D.C. Cir. 1987).	[X]
F. Information covered by your request is withheld under the authority of FOIA exemption 6, because the information is contained in personnel, medical, or similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. § 552(b)(6).	[ ]

(continued on next page)

G. Information covered by your request is withheld under the authority of FOIA exemption 7, because the information was compiled for law enforcement purposes and because –	
• disclosure could reasonably be expected to interfere with enforcement proceedings. § 552(b)(7)(A).	[ ]
• disclosure would deprive a person of a right to a fair trial or impartial adjudication. § 552(b)(7)(B).	[ ]
• disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy. § 552(b)(7)(C).	[X]
• disclosure could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority, or any private institution which furnished information on a confidential basis. § 552(b)(7)(D).	[ ]
• disclosure would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, and disclosure could reasonably be expected to risk circumvention of the law. § 552(b)(7)(E).	[ ]
• disclosure could reasonably be expected to endanger the life or physical safety of an individual. § 552(b)(7)(F).	[ ]
H. Information that originated with another federal agency has been referred to that agency for a disclosure decision and direct response to you. A copy of our referral letter is enclosed.	[ ]
I. OSC keeps its files for periods of time scheduled by the National Archives and Records Administration (NARA). The file containing the information that you asked for was destroyed in or about _____, in accordance with the NARA schedule for such files. The only record of the file is an administrative data form (known as a "profile") generated by our computerized case tracking system. The profile documents actions taken by OSC during its handling of the case. In lieu of the record(s) that you asked for, a copy of the profile generated in connection with the receipt of your FOIA request is enclosed.	[ ]
J. Identifying information about one or more other persons listed on the profile described in item I., above, has been deleted, pursuant to exemption 7(C) of the FOIA (see item G., above).	[ ]
K. The FOIA is a means by which to request access to existing documents. Agencies are not required to create records to respond to FOIA requests, nor are they required to answer questions posed as FOIA requests. *See*, for example, DiViaio v. Kelley, 571 F.2d at 542-43 (10th Cir. 1978). I am, therefore, unable to process the questions in your request under the FOIA.	[ ]

(continued on next page)

L. It appears that you also wanted records (if such records exist) from other federal agencies. OSC has no authority to respond to requests for records of other agencies. A list of the principal FOIA offices for other federal agencies, with contact information, can be found at the Department of Justice web site, at *http://www.usdoj.gov/04foia/foiacontacts.htm*. You need to send your request to the FOIA office for each agency from which you want to request records.	[ ]
M. It appears that you also wanted records (if such records exist) from another federal agency. OSC has no authority to respond to requests for records of another agency. Contact information for the principal FOIA office in the agency described in your request is as follows:	[ ]
N. Other (*describe*):	[ ]
O. Fee and payment information: Your request required the copying of ___ pages. Under OSC's FOIA fee schedule, the first 100 pages are provided to you at no cost.[1] The additional ___ pages are provided at a cost of 25¢ per page,[2] for a total of $ __.__. Please send a check or money order in that amount to OSC. Your check or money order should be made payable to "U.S. Treasury." **Please note that interest may be charged if payment is not received within 30 days of the date of billing.**[3]	
P. Comment(s):	

[1] 5 C.F.R. § 1820.4.
[2] 5 C.F.R. § 1820.6(a)(3).
[3] 5 C.F.R. § 1820.7(d).

OSC Form 48a – CEU (Rev. 2/02)

OMB Control No. 3255-0003
(Expiration: 7/31/05)

OFFICE OF SPECIAL COUNSEL (OSC) SURVEY
(FY 2002)

Please circle the letter (a., b., c., d., etc.) that best responds to each question.
Select only one answer per question, unless you are asked to circle all answers that apply to a question.
The term "N/A" in responses to some questions means "Not Applicable."

1. *Has the federal agency where you work (or the agency where you worked most recently, if you are no longer employed by a federal agency) informed you about your rights and remedies with regard to prohibited personnel practices?*
   (a.) Yes b. No c. Do not recall d. Never employed by a federal agency

2. *How did you first become aware that you could file a complaint with OSC?*
   (a.) OSC Web site b. OSC speaker c. OSC brochure d. OSC poster
   e. news story f. agency personnel office g. union h. co-worker
   i. other (*please describe*): _____
   Date (*approximate*): _____

3. *What was the subject of the allegation(s) in your complaint?* (Circle all that apply.)
   (a.) Combination of reprisal for whistleblowing and other prohibited personnel practices
   b. Reprisal for whistleblowing *only*
   c. Prohibited personnel practice *other than* reprisal for whistleblowing
   d. Hatch Act (unlawful political activity)
   e. Uniformed Services Employment and Reemployment Rights Act (USERRA)
   f. Arbitrary and capricious withholding under the Freedom of Information Act (FOIA)
   g. Other

4. *Was your complaint successfully resolved at OSC?*
   a. Yes (*Skip to question 7*) b. Partially (c.) No d. Do not know, or N/A

COMPLAINTS (GENERAL)

5. *What reason did OSC give for closing your complaint without obtaining the relief that you sought?* (Circle all that apply.)
   a. No OSC jurisdiction over your position, the agency, or agency official(s) involved in the complaint
   b. No personnel action(s) taken by the agency involved
   c. OSC could not disprove the agency's stated reason(s) for the action(s) involved in your complaint
   d. Insufficient evidence that the action(s) involved in your complaint violated a law or regulation
   e. You or OSC settled the matter with the agency involved
   f. You declined corrective action offered by the agency involved
   g. You withdrew your complaint
   h. OSC filed a petition with the Merit Systems Protection Board (MSPB) for corrective action
   i. OSC obtained a decision in the corrective action proceeding filed with the MSPB
   (j.) Closed for further action on discrimination allegations through EEO processes
   k. After OSC's referral of the complaint to Investigation and Prosecution Divisions for field investigation, matter was resolved through the OSC Mediation Program
   l. Other
   m. Do not recall

(continued, over)

REPRISAL FOR WHISTLEBLOWING ALLEGATIONS *(If your complaint included no allegation(s) of reprisal for whistleblowing, skip to question 7.)*

6. *What reason did OSC give for closing any reprisal for whistleblowing allegation in your complaint without obtaining the relief that you sought?* (Circle all that apply.)

   a. Information that you disclosed did not appear to be a legally protected disclosure
   b. Your disclosure occurred after the personnel action(s) involved in the allegation
   c. Insufficient proof that agency official(s) who took the action involved in the allegation knew of your disclosure
   d. Insufficient proof of connection between your disclosure and the personnel action involved in the allegation
   e. You filed an Individual Right of Action (IRA) or other appeal with the Merit Systems Protection Board (MSPB)
   (f.) Other, brother, Gary, bear false witness against me to employing agency, NOTU.
   g. Do not recall

7. *How would you rate the service provided by OSC in each of the following areas?*

   Courtesy:
   (a) Very Satisfied b. Satisfied c. No Opinion, or N/A d. Dissatisfied e. Very Dissatisfied

   Oral Communications:
   (a) Very Satisfied b. Satisfied c. No Opinion, or N/A d. Dissatisfied e. Very Dissatisfied

   Written Communications:
   (a) Very Satisfied b. Satisfied c. No Opinion, or N/A d. Dissatisfied e. Very Dissatisfied

   Timeliness:
   (a) Very Satisfied b. Satisfied c. No Opinion, or N/A d. Dissatisfied e. Very Dissatisfied

   Results:
   a. Very Satisfied b. Satisfied c. No Opinion, or N/A d. Dissatisfied (e.) Very Dissatisfied

8. *Did you file an Individual Right of Action (IRA) or other appeal with the MSPB in connection with the same events that you reported in your complaint to OSC?*
   a. Yes (b.) No (Skip to question 12) c. N/A (Skip to question 12)

9. *Did you ask for the same relief that you sought from OSC?*
   a. Yes b. No c. Do not recall

10. *Were you successful at the MSPB in obtaining the same relief that you sought from OSC?*
    a. Yes b. Partially c. No d. Appeal pending

11. *If the answer to question 10 was "yes" or "partially," how did you obtain that relief?*
    a. Settlement b. Decision after hearing c. Other

12. *We invite your comments or suggestions on specific ways in which OSC could improve its service:*
    OSC needs to do more complete investigations into Reprisal for whistleblowing cases, before dismissing them. My brother, Gary Burton Schmitt, called into NOTU, employing agency, and heared false witness against me to employing agency.

13. *OPTIONAL: You do not have to provide your name or case number below. If you do, however, the information may assist OSC in following up, as needed, on your comments or suggestions.*

    Your name: Harry Michael Schmitt (SPP-212) OSC Case Number: MA-02-1758

Thank you for taking the time to complete this survey. To return it to OSC, mail the original survey form in the enclosed business return envelope provided for survey returns only.

650 Dixon Blvd., Apt. # 22B
Cocoa, Florida 32922-7542
December 4, 2001

Mr. Paul L. Mc Kean
Attorney for Guardian
1909 Robinhood Street
Sarasota, Florida 34231

Dear Mr. Mc Kean:

I need to make your office aware of the unacceptable behavior of my mother's guardian, Mr. Gary Burton Schmitt. I have informed you several times via office visits and telephone calls regarding my mother's guardian physically attacking me, while under the influence of unknown substances, without provocation, resulting in physician documented personal injuries, threatening physical violence against my sister's husband, Mr. Steve Neelley, and lastly the guardian's suicidal comment that he "can't wait to get to the other side and beat up dad's spirit". My mother's guardian admitted to me that he is an alcoholic and associates with known alcoholics, such as, Mr. Kevin Evans; however, my mother's guardian refuses to seek any professional help in treating his chronic alcohol and smoking addictions. In addition, my mother's guardian absolutely refuses to seek any family consulting due to the loss of his father, his father's life long alcohol addiction, and coping with his mother's dementia mental health condition.

Currently, I have been in family consultation with Ms. Linda K Erickson, L.C.S.W., for several months now trying to cope with my father's death, my brother's chronic alcoholism and smoking additions, and my mother's dementia mental health condition. Ms. Erickson noted my dangerously high stress levels of my trying to work with my mother's guardian. Ms. Erickson strongly recommends that a professional guardian, Ms. Susan Corbett, be assigned to my mother's guardianship case by the court.

I request that you, as Attorney for Guardian, do not allow my mother's current guardian to liquidate any of my mother's real estate assets including, but not limited to, any associated household furnishings, vehicles, tools, etc. without proper financial justification supporting such sales and court hearings, in order that other family members concerns may be hear by the court, prior to any such sales. I also request that you notify the court of my intention to have my mother's current guardian removed on the grounds of unacceptable guardian behavior. Thank you for your time and attention in this matter.

Very Respectfully,

Harry M. Schmitt

Harry M. Schmitt

CC: Mr. Matt Mayper
Dr. Scott Franczek
Dr. Leonard Schwartzbaum

EARL MORELAND
STATE ATTORNEY
TWELFTH JUDICIAL CIRCUIT

OFFICES

Sarasota County

Criminal Justice Building
2071 Ringling Blvd., Suite 400
Sarasota, Florida 34237-7000
Telephone: 941-951-5400
Fax No: 941-951-5449

and

South County Courthouse
4000 South Tamiami Trail
Venice, Florida 34293-5028
Telephone: 941-492-3120
Fax No: 941-492-3127

Desoto County

Desoto County Courthouse
115 East Oak Street, Third Floor
Arcadia, Florida 34266-4446
Telephone: 863-993-4881
Fax No: 863-993-4890

Manatee County

1112 Manatee Avenue West
P.O. Box 1000
Bradenton, Florida 34206-1000
Telephone: 941-747-3077
Fax No: 941-742-5858

Please Reply To:

JANUARY 14TH, 2002

HARRY SCHMITT
650 DICKSON BLVD.
COCOA, FLORIDA 32922

RE: State of Florida v. GARY SCHMITT
SAO #01-19885
Agency #SSO 01-110760
Charge: BATTERY

Dear MR. SCHMITT:

Our office has received the complaint against the above referenced individual in which you are a victim. I will need to speak with you regarding this matter before any criminal charges are filed.

Please call this office immediately to set up an appointment for further investigation. PLEASE BRING THIS LETTER WITH YOU AT THE TIME OF YOUR APPOINTMENT.

In accordance with the Americans with Disabilities Act, persons needing a reasonable accommodation to participate in this proceeding should, no later than seven days prior, contact the attorney listed below. If hearing impaired, contact (TDD) 1-800-955-8770,1 via Florida Relay Service.

If we do not hear from you within ten (10) days of receipt of this letter, we will assume you are no longer interested in pursuing prosecution, and we will close out the case.

Yours truly,

Paul Murphy

MICHAEL MURPHY
Assistant State Attorney
(941) 951-5753

PA-102

BEST AVAILABLE COPY

PROBABLE CAUSE AFFIDAVIT

Sarasota County

ORIGINAL

AGENCY: ☒ SSO ☐ SPD ☐ FHP ☐ VPD ☐ NPPD ☐ LSPD ☐ OTHER

☐ ORIGINAL
☐ SUPPLEMENTAL

SSO CASE # 01-110760	SSO BK #	OBTS #	ARREST #
AGENCY CASE # 01-110760	SAO #	FDLE #	UCC #

DEFENDANT

ADULT - ARREST: ☐ WITH WARRANT ☐ WITHOUT WARRANT ☒ NON-ARREST COMPLAINT

JUVENILE - ☐ ARRESTED / DETAINED ☐ ARRESTED / RELEASED WITH REFERRAL ☐ NON-ARREST REFERRAL ☐ TEEN COURT REFERRAL

DEFENDANT (LAST, FIRST, MIDDLE INITIAL): SCHMITT, GARY — ALIAS: N

DOB	AGE	SEX	RACE	HGT	WGT	COLOR HAIR	COLOR EYES
11/26/61	30	M	W	5'11"	240		

ADDRESS: MILAN AVE SARASOTA FL (CITY / STATE / ZIP)

PHONE #: (941) 485-6644 — SCARS/MARKS/TATTOOS:

DL #: S-530-292-61-476-0 — ST: FL — SOCIAL SEC #: 265-35-4429 — PLACE OF BIRTH: N — CITY / STATE

OCCUPATION: OWNER — EMPLOYER: GENERAL CONST. CONTRACTOR

EMPLOYER ADDRESS: U — PHONE #: (941) 468-6353

CITIZENSHIP	IMMIGRATION STATUS (1. PERMANENT LEGAL RESIDENT OF US; 2. LEGAL VISITOR; 3. UNDOCUMENTED ILLEGAL ALIEN; 4. UNKNOWN)	RESIDENCE TYPE (1. CITY; 2. COUNTY; 3. FLORIDA; 4. OUT OF STATE)	RESIDENCE STATUS (0. N/A; 1. FULL YR; 2. PART YR; 3. NONRES.)	INFLUENCE OF DRUGS / ALCOHOL
	1	2	1	☐ YES ☐ NO ☒ UNK / ☐ YES ☐ NO ☒ UNK

CRIME

DATE & TIME OF CRIME	CRIME LOCATION	LOG TYPE	ZONE	GRID
12/26/01	7211 CAPTAIN KID AVE SARASOTA FL	01	09	108

F.S./ORD #	CHARGE		BOND
784.03(01).1ST	DOMESTIC BATTERY	☐ FELONY ☒ MISD	
F.S./ORD #	CHARGE	☐ FELONY ☐ MISD	BOND
F.S./ORD #	CHARGE	☐ FELONY ☐ MISD	BOND

INVESTIGATING L.E.O.: DEP. W.R. ALLEN — ID #: 1075

DRUG: 1. GRAM 2. MILLIGRAM 3. KILOGRAM 4. OUNCE 5. POUND 6. TON 7. LITER 8. MILLILITER 9. DOSAGE UNIT — ITEM: N

DRUG TYPE: E. HEROIN H. HALLUCINOGEN O. OPIATE/DERIV C. COCAINE M. MARIJUANA A. AMPHETAMINE B. BARBITURATE S. SYNTHETIC U. UNKNOWN Z. OTHER P. PARAPHERNALIA EQUIPMENT N. N/A — N

DRUG ACTIVITY: G. GROW E. USE D. DELIVER M. MANUFACTURE S. SELL B. BUY U. UNK Z. OTHER P. POSSESS R. SMUGGLE T. TRAFFIC K. DISTRIB N. N/A — N

TYPE WEAPON: 00. NONE 01. HANDGUN 02. RIFLE 03. SHOTGUN 04. LINK FIREARM 05. KNIFE/CUTTING 06. BLUNT OBJECT 07. HANDS/FEET 08. POISON 09. EXPLOSIVES 10. FIRE/INCENDIARY 11. THREATENED 12. SIM WEAPON 13. DRUGS 98. UNKNOWN 99. OTHER — 99

FIREARM USED ☐ YES ☐ NO

CALIBER/GAUGE — N

FIREARM WEAPON: R. RIFLE S. SILVER O. OTHER — N

ARREST

DATE & TIME OF ARREST	ARREST L.E.O./ID#	ASSIST L.E.O./ID#

ARREST LOCATION	ZONE	GRID

CAPIAS/WARRANT #	COUNTY & STATE OF WARRANT

DATE BOOKED	TIME BOOKED	RETURNABLE DATE	BOOKING OFFICER

RELEASED BY	RELEASED TO	DATE/TIME RELEASED

VICTIM

VICTIM NAME (LAST, FIRST, MIDDLE INITIAL): SCHMITT, HARRY — HOME PHONE #: (321) 617-7468

ADDRESS: 650 DICKSON BLVD. COCO FL. 32922 (CITY / STATE / ZIP) — BUS. PHONE #: (321) 853-0691

DOB	AGE	SEX	RACE	NOTIFIED	TIME
09/06/60	29	M	W	☐ YES ☐ NO	

PROBABLE CAUSE AFFIDAVIT
Sarasota County

ORIGINAL

☒ ORIGINAL - PAGE ___ of ___ ☐ CONTINUATION PAGE ___ of ___

DEFENDANT	SSO BK #	AGENCY CASE #
SCHMITT, GARY		#01-10743

☒ ADULT CASE ☐ JUVENILE CASE

STATE IN DETAIL WHAT THE DEFENDANT DID THAT YOU ALLEGE WAS ILLEGAL. INCLUDE EVENTS THAT LEAD UP TO THE INCIDENT; ALSO INCLUDE WHY DEFENDANT ACTED AS HE DID IF THIS IS KNOWN. HEARSAY IS PERMISSIBLE AND RELEVANT COMMENTS OF DEFENDANT OR WITNESSES INVOLVED SHOULD BE SUMMARIZED. (INCLUDE WHO, WHAT, WHERE, WHY, WHEN, HOW)

My brother, Gary Burton Schmitt, physically attack and threaten deadly bodily injury to my person, namely, Henry Michael Schmitt, at approximately 7:30 PM on 26 December 2001 at 7211 Capdale Kidd Avenue, Sarasota, Florida 34231. My brother, guardian of my mother, Helvi M. Schmitt, physically held a knife blade screwdriver to my throat threatening to plunge it into my throat in my mother house in the kitchen. My brother, Gary Burton Schmitt continued to threat my life as I was leaving the house with some of my things that I brought over with me from Cocoa, Florida. My brother continued his life threatening verbal assault against me out to my car while I was trying to load my things into it. During this time he brought over the next door neighbor, Mr. Kevin Evans, a known alcholic, who has himself been in trouble with the Sarasota County Sheriff's for DWI and had his driver's license suspended as a result. My brother then physically attack me while I was attempting to leave my mother's home. He pushed the left side driver's side door of my 1994 AMC Gerandia in on me while I was trying to get into my car. He, my brother, pined me against my car with the driver's side door, thus, injuring my lower right outside calf muscle and also causing me to twist my lower back in the process of trying to free myself from this trapped position. My brother did this physical attack to me in front of Mr Kevin Evans of 7205 Capdale Kidd Ave. Sarasota, Florida 34231. I then left my mother home after telling my brother that I was going to take him to court and have his removed as my mother's guardian in lieu of a professional guardian.

☐ ADDITIONAL PAGES - ATTACHED AND INCORPORATED HEREIN

THIS INCIDENT OCCURRED IN SARASOTA, FLORIDA

SIGNATURE OF L.E.O./AFFIANT Gary Burton Schmitt ID#

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 28th DAY OF DECEMBER, 2001 BY

(PRINT L.E.O./AFFIANT NAME) ☐ WHO IS PERSONALLY KNOWN OR ☐ WHO PRODUCED THE FOLLOWING IDENTIFICATION

SIGNATURE Dep. W.R. Allen

☒ L.E.O. ID# 1074 ☐ NOTARY

SUPERVISOR SIGNATURE

PRINT NAME Dep. W.R. Allen #1074

ID#

GEHA

The Health Plan for Federal Employees

COPY

May 23, 2002

EDWIN M BOYER ESQ
1800 2ND ST STE 760
SARASOTA FL 34236

Re: Patient/Member: Harry M. Schmitt
I.D. No.: 265-35-4432
Dates of Losses: 5/13/01 and 12/26/01

Dear Mr. Boyer:

This is to follow-up our letter to you concerning medical expenses incurred by the above-referenced patient as a result of injuries sustained in the above loss. GEHA's current subrogation lien is $102.00 for the May 13, 2001 date of loss, and $62.00 for the December 26, 2001 date of loss. Please find enclosed our claim payment records for the most recent expenses we have included in our lien.

Please keep us advised as to the status of this matter. Please contact me at (800) 821-4742, Ext: 5503, for final figures prior to settlement, or when a judgment is obtained. Our subrogation lien extends to all related bills incurred through the date of final settlement.

All checks should be made payable to GEHA and a copy of our letter attached for proper identification. A postpaid envelope is enclosed for your remittance.

Thank you for your cooperation.

Sincerely,

Jane E. Scott
Subrogation Administrator

JES:kb
Enclosures
cc: Member

Legal Department
Government Employees Hospital Association, Inc.
P.O. Box 1031 • Independence, MO 64051-0531 • Telephone (800) 821-4742 • Fax (816) 257-6946

PA-105

GEHA
GOVERNMENT EMPLOYEES HOSPITAL ASSOCIATION, INC.
P.O.BOX 4665, INDEPENDENCE, MISSOURI 64051-4665 (816)257-5500

HARRY M SCHMITT

RE: MEMBER NUMBER - 265354432
MEMBER NAME - HARRY M SCHMITT
PATIENT - HARRY M SCHMITT
CLAIM NUMBER - 063972985-00

MEMBER'S SIGNATURE:_____DATE:_____

PROVIDER	SERVICE	FROM	TO	CHARGES
MARK H BRUS	DOCTOR VISIT, OUTPATIE	05/14/01	05/14/01	60.00
MARK H BRUS	DIAGNOSTIC XRAY	05/14/01	05/14/01	91.00

WE WILL PROMPTLY PROCESS YOUR CLAIM WHEN WE RECEIVE YOUR RESPONSE. TO EXPEDITE HANDLING, PLEASE RETURN THIS LETTER WITH INFORMATION RELEVANT ONLY TO THIS REQUEST.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT OUR CUSTOMER SERVICE DEPARTMENT AT 1-800-821-6136.

SINCERELY,

CLAIMS DEPARTMENT

DEPARTMENT OF THE AIR FORCE
68TH ELECTRONIC COMBAT GROUP (ACC)
203 WEST D AVE, SUITE 406
EGLIN AIR FORCE BASE, FLORIDA 32542-6857

9 Oct 98

MEMORANDUM FOR NAWC/CD Security Office
NSWC Crane Security/IN
NAS Whidbey Island, WA Security Office

1. The below listed individual with pertinent infonnation will be visiting your facilities from the period of 10 Oct 1998 – 09 Oct 1999.

RANK/NAME: GS-12 SCHMITT, Harry M.
SSAN: 265-35-4432
DOB: 600806
POB: El Paso, TX
CLEARANCE: DCID 1/14 (Top Secret)
DOC: 971106
INVESTIGATION: SSBI-PR
DOI: 971122

2. Reason for Visit(s): EA-6B Program Reviews/operational discussions.

3. Points of Contact:

- NAWC/CD - Major (USAF) Greg Alexander, DSN 757-7981, Mr Jack Brussell, DSN 757-7982
- NSWC Crane – Tom Dalheim, DSN 482-4886, Mr Zahid Din, DSN 482-4939
- NAS Whidbey Island, WA Security Office – LCDR Steve Kochman, DSN 820-3630, Ms Annie Hall, DSN 820-2004. Security POC is Mr Brian Peterson.

4. If you require further assistance, please contact me at DSN 872-8539 or Comm. (850) 882-8539.

Shaun R. Cunningham

SHAUN R. CUNNINGHAM, MSgt, USAF
Superintendent, 68 ECG Security Programs

RA-107

GLORIA C. GOODROW

7157
Captain
Kidd Avenue
Sarasota, FL
34231

April 9,2003

Naval Ordnance Test Unit
P.O. Box 1623
Cape Canaveral, Fl 32920

Security Manager:

I have known Mike Schmitt, and his Mother,Father,and siblings , as they were growing up in the neighborhood.I have known Mike to be trustworthy and proud to be working for the government.
The family Has been good neighbors as well as good Americans.

Sincerely,

Gloria C Goodrow

RA-108

The employing agency, NOTU, was falsely accusing me of sexual misconduct and filing a falsified U.S. Department of Labor Workers' Compensation claim.

CRIMINAL CONDUCT

The Concern: A history or pattern of criminal activity creates doubt about a person's judgment, reliability and trustworthiness.

Conditions that could raise a security concern and may be disqualifying include:

a. Allegations or admissions of criminal conduct, regardless of whether the person was formally charged;

b. A single serious crime or multiple lesser offenses.

c. Conviction in a Federal or State court, including a court-martial of a crime and sentenced to imprisonment for a term exceeding one year;[2]

d. Discharge or dismissal from the Armed Forces under dishonorable conditions;[3]

Conditions that could mitigate security concerns include:

a. The criminal behavior was not recent;

b. The crime was an isolated incident;

c. The person was pressured or coerced into committing the act and those pressures are no longer present in that person's life;

d. The person did not voluntarily commit the act and/or the factors leading to the violation are not likely to recur;

e. Acquittal;

f. There is clear evidence of successful rehabilitation.

g. Potentially disqualifying conditions c. and d., above, may not be mitigated unless, where meritorious circumstances exist, the Secretary of Defense or the Secretary of the Military Department concerned has granted a waiver.

[2] Under the provisions of 10 U.S.C. 986 (P.L. 106-398) a person who has been convicted in a Federal or State court, including courts martial, and sentenced to imprisonment for a term exceeding one year, may not be granted or have renewed access to classified information. In a meritorious case, the Secretary of Defense or the Secretary of the Military Department concerned, may authorize a waiver of this prohibition.

[3] Under the above mentioned statute, a person who has received a dishonorable discharge or has been dismissed from the armed forces may not be granted or have renewed access to classified information. The same waiver provision also applies.

SPPSSOO.1/8

COMMAND INFORMATION SECURITY BRIEFING

Security Officer: Jerome I. Davis Security Manager: CWO4 Jones
Security Assistant: Robin B. Allsup

Individual Duties

1. Every individual who acquires access to classified information is responsible for protection of that information. Also, any individual who becomes aware of a compromise or subjection to compromise of classified information or material will immediately notify his or her supervisor. The custodian of classified information who causes that information to be subjected to compromise, through unauthorized disclosure, abstraction or destruction, or through loss or theft, must report the subjection to compromise to his or her superior officer immediately.

2. Personnel are to report promptly to the Security Manager any of the following:

A. All requests (written or verbal) for any unclassified data by unauthorized persons.

B. Attempts by representatives or citizens of foreign countries to:

(1) Cultivate a friendship, to the extent of placing personnel under obligation which they would not normally be able to reciprocate, or by offering money payments or bribery to obtain information of intelligence value.

(2) Obtain information of intelligence value through observation, collection of documents, or by personal contact.

(3) Coerce personnel by blackmail, by threat against or promises of assistance to relatives living under foreign control.

(4) Appeal to personnel on a racial, nationalistic, or ideological basis.

(5) Exploit personnel who may be disaffected or in personal difficulties.

(6) Intimidate, harass, entrap, discredit, search, spy on, or recruit for intelligence purposes.

(7) Induce personnel to defect or induce those who have fled from prior designated countries to return.

C. Attempts by Department of the Navy personnel to provide unauthorized services, information, or documents to anyone believed to be in contact with a foreign intelligence service.

D. Attempts by persons to obtain information of intelligence value from personnel by correspondence (including "Pen Pal" correspondence), questionnaires, "HAM" radio activity, naval cachets (requests to service postal covers), or other forms of communications.

E. Personnel absent without leave who have access to classified material when their whereabouts cannot be immediately determined.

F. Personnel involved in incidents in which the abuse of alcohol is evident.

G. Personnel involved with or suspected to be involved with controlled substances.

H. Personnel possessing classified material in other than their assigned working space, particularly when observed off of Cape Canaveral Air Force Station.

I. Any awareness of suspicion of sabotage, espionage, terrorism, or other subversive activities.

J. Any suicide or attempted/suspected suicide of any member of the Navy Ordnance Test Unit.

3. Personnel having possession of classified material will at the end of each work day perform the following inspections or checks before departing.

A. Inspect all desks, tables, and cabinet tops and all other spaces under their cognizance to ensure that classified material has not been left adrift.

B. Check that all safes, files, and cabinets containing classified material are closed and in the locked position.

4. Personnel will not remove any classified material from the command other than in the performance of their official duties. Personnel traveling outside the local area (CCAFS/PAFB), but remaining in the United States or Canada; must obtain written permission from the Commanding Officer to handcarry classified material.

Signature of Witness	Date of Signature of Employee or Military Member
Robert B. Allen	Harvey Jr. Schmitt 1 Dec 99
Type or Print Name of Witness 1 Dec 99	Type or print name of employee or member

SECURITY DEBRIEFING ACKNOWLEDGEMENT

1. Certify that I no longer have any material containing classified information in my possession.

2. I understand I am no longer eligible for access to classified information orally or in writing.

3. I have received a security debriefing.

Signature of Witness	Signature of Employee or Military Member
Jerome E Davis	Harvey Jr. Schmitt
Jerome E. Davis	Date 1 July 02
Type or Print Name of Witness	

Phone List

Naval Ordnance Test Unit

Cape Canaveral Air Force Station

Mission Naval Ordnance Test Unit (NOTU) serves our country by supporting and testing sea-based weapon systems in a safe environment.

Vision Team NOTU will be the Navy's premier support center for naval weapon system testing and program manager for assigned missile support. We will be the port of choice for visiting ships.

Although NASA and Air Force space launches are well publicized, the Navy is the largest user of the E Range at Cape Canaveral, conducting over half of the missile firings on the Range. The Commanding of NOTU is the Director of Navy Tests for all Navy activity on the Range.

NOTU was created in 1950. In 1956 NOTU became the site for all test firings of the Fleet Ballistic Miss (FBM) Program, launching first from land and then from submerged submarines a continuous series o Polaris, Poseidon, and now Trident missiles.

NOTU is a RANGE USER on a National Range managed by the 45th Space Wing in accordance with 3200.11. 45th Space Wing provides direct and contractor support to maintain NOTU facilities. Patrick Force Base furnishes dormitories, family housing, and other support for NOTU Sailors.

This is the official web site of the Naval Ordnance Test Unit (NOTU)
It is provided as a service of NOTU MIS at Cape Canaveral Air Force Station, Florida

Commanding Officer: Captain Jeffrey L. Gernand
Executive Officer: Commander Howard P. Miller
Chief Engineer: Dr. Sidney E. Beck
Command MasterChief: MTCM Christopher Horton
Public Affairs: Ms. Lillian Bertsch *NOTUPAO@ssp.navy.mil*

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
17 December 2004

Captain Jeffrey L. Gernand, CO
Naval Ordnance Test Unit
P.O. Box 1623
Cape Canaveral, Florida 32920-1623

Subj: EEOC Settlement NonCompliance by Employing Agency,
Schmitt vs. The Secretary of the Navy, DON No. 02-62841-0016-002

Captain Jeffrey L. Gernand:

I am not able to accept, in good conscious before our LORD JESUS CHRIST, the Navy's EEOC Settlement Check at this point in time on the grounds of untimeliness, as well as, the Navy, in particular, NOTU's officers and enlisted personnel coerced Ms. Ann B. Jones and other civilian coworkers, e.g. Ms. Joyce Hertl, to commit perjury in front of DOD EEO Investigator, Ms. Benita S. Townes and submit falsified statement along with Ms. Joyce Hertl to DON CAF Investigator, respectively. These are sins before our LORD. The NOTU command does not obey the LAWS OF GOD or respect the lesser Laws of Men. Therefore, I am returning the Navy's EEOC Settlement Check unopened envelope to you for the reasons cited above in my letter to you. Furthermore, I am deeply saddened and gravely concerned over the Navy's coercion of Ms. Ann B. Jones and other civilian coworkers, such as, Ms. Joyce Hertl against me. I have been advised to refer the Navy's coercion of its civilian personnel to the U.S. Attorney

17 December 2004

General. Please send all future correspondence to my designated legal representative Mr. Archibald J. Thomas, III at 1301 Riverplace Boulevard, Suite 1640, Riverplace Tower, Jacksonville, Florida 32207. I and my legal representative are open to any good faith offers of EEOC Court directed mediation or Alternative Dispute Resolution offer with the Office of Special Counsel. Also, I think we both know that there was no* Personal Mis Conduct, Sexual or otherwise, by me. GOD BLESS, Take Care.
* Medical Privacy Act Violation by employing agency.

Sincerely,

Harry M. Schmitt

Harry M. Schmitt

cc: Ms. Milagros Vazquez, EEO Deputy Director, NAWC, TSD, Orlando, FL
Navy EEO Director, Washington, DC
Secretary of the Navy, Washington, DC
Ms. Louise Vitale, SPLE-12, SSP, Washington, DC
DON CAF Director, Washington, DC
Chief of Naval Operations, Washington, DC
NCIS Director, Washington, DC
DSS, Fort Meade, MD
OPM, Boyers, PA
DOD CPMS OCI, Atlanta, GA
Commanding Officer, CCAFS & PAEB, FL
Dr. Scott Permesly, Sarasota, FL
Dr. Mark Brus, Sarasota, FL
Dr. Cathy Milam, Sarasota, FL
Ms. Linda Ericksen, L.C.S.W., Sarasota, FL
Supervisory & Administrative Judges, EEOC, Miami FL
OSC Director, Washington, DC & Dept. of Treasury, FinCEN Director Vienna VA & DOL London, KY

U.S. OFFICE OF SPECIAL COUNSEL

(202) 254-3600 / (202) 254-3630 / (800) 872-9855

COMPLAINT OF POSSIBLE PROHIBITED PERSONNEL PRACTICE
OR
OTHER PROHIBITED ACTIVITY

(Please print legibly or type and complete all pertinent items. Enter "N/A" (Not Applicable) or "Unknown" where appropriate. (If more space is needed, use Continuation Sheet at page 12.)

PART 1: PROHIBITED PERSONNEL PRACTICES / OTHER PROHIBITED ACTIVITY (GENERAL)

1. Name of person seeking OSC action ("Complainant"): Mr. (●) Ms. (○) Mrs. (○) Miss (○)

   For USERRA complaints only – please provide the last digit only of your Social Security Number (SSN): [redacted]
   (needed to determine jurisdiction under § 204(c)(2) of Public Law No. 108-454.)

2. Position, title, series, and grade: [redacted]

3. Agency name: [redacted]

4. Agency address: [redacted]

5. Home or mailing address: [redacted]

6. Contact information: Telephone number(s): [redacted] (Home)
   [redacted] (Office) Ext. [redacted]
   Fax number: [redacted]
   E-mail address: [redacted]

7. If you are filing this complaint as a legal or other representative of the Complainant, please supply the following information:

   Name and title of filer: Mr. (○) Ms. (●) Mrs. (○) Miss (○)

   Address: [redacted]

   Telephone number(s): [redacted] (home)
   [redacted] (office) Ext. [redacted]
   Fax number: [redacted]
   E-mail address: [redacted]

8. Are you (or is the Complainant, if you are filing as a representative) covered by a collective bargaining agreement? *(Check one.)*

   (X) Yes (○) No (○) I don't know

9. How did you first become aware that you could file a complaint with OSC?

   (X) OSC Web site (○) OSC speaker (○) OSC brochure (○) OSC poster
   (○) news story (○) agency personnel office (○) union (○) co-worker
   (○) other *(please describe)*:

   Date *(approximate)*: [redacted]

SPECIAL COUNSEL
MAIL ROOM
AM 7:59

10. What is the employment status of the person affected by the suspected prohibited personnel practice or other prohibited activity? (*Check all applicable items -- more than one item may apply.*)

a. (·) Applicant for Federal employment

b. (X) Competitive Service
( ) temporary appointment (X) career or career-conditional appointment
( ) term appointment ( ) probationary employee

c. (·) Excepted Service
( ) Schedule A ( ) Postal Service
( ) Schedule B ( ) Tennessee Valley Authority
( ) Schedule C ( ) VA Dept. of Medicine and Surgery
( ) National Guard Technician ( ) Veterans Readjustment Act (VRA)
( ) nonappropriated fund ( ) other (*specify*): _____

d. (·) Senior Executive Service (SES), Supergrade, or Executive Level
( ) career SES ( ) Executive Level V or above (career) fund
( ) noncareer SES ( ) Executive Level V or above (noncareer)
( ) career GS-16, 17, or 18 ( ) Presidential appointee (Senate-confirmed)
( ) noncareer GS-16, 17, or 18

e. (X) Other
( ) civil service annuitant ( ) military officer or enlisted person
(X) former civil service employee ( ) contract employee
( ) competitive service ( ) other (*specify*): _____
( ) excepted service ( ) unknown

11. What other action(s), if any, have you taken to appeal, grieve, or report this matter under any other procedure? (*Check all that apply.*)

( ) None, or not applicable Date: _____
( ) Appeal filed with Merit Systems Protection Board (MSPB) Date: _____
( ) Petition for reconsideration of initial decision filed with MSPB Date: _____
Initial Decision No.: _____
( ) USERRA claim filed with VETS (Department of Labor) Date: _____
(Form VETS/USERRA/VP-1010)
( ) Grievance filed under agency grievance procedure Date: _____
( ) Grievance filed under negotiated grievance procedure Date: _____
( ) Matter heard by arbitrator under grievance procedure Date: _____
( ) Matter is pending in arbitration Date: _____
(X) Discrimination complaint filed with agency Date: September 13, 2004
(X) Agency or Administrative Judge (AJ) decision on discrimination complaint appealed to Equal Employment Opportunity Commission Date: March 22, 2005
( ) Appeal filed with Office of Personnel Management Date: _____
(X) Unfair labor practice (ULP) complaint filed with Federal Labor Relations Authority General Counsel Date: July 25, 2005
( ) Lawsuit filed in Federal Court Date: _____
Court name: _____
(X) Reported matter to agency Inspector General Date: November 6, 2001
(X) Reported matter to member of Congress Date: June 21, 2005
Name of Senator or Representative: Senator Bill Nelson
(X) Other (*specify*): President George Bush

12. What official is responsible for the violation(s) that you are reporting, and what is his/her employment status? *(See question 10 for appropriate description of employment status. If space is needed to identify more than one official, use Continuation Sheet at page 12.)*

Name:

Position/Title:

Employment status:

13. What are the actions or events that you are reporting to OSC? *(To the extent known, specifically list: (a) any suspected prohibited personnel practices or other prohibited activity, other than reprisal for whistleblowing; and (b) any personnel actions involved.)* IF YOU ARE ALLEGING REPRISAL FOR WHISTLEBLOWING, SKIP TO PART 2 ON THE NEXT PAGE.

14. Provide details of the actions or events shown in your response to question 13. *(Be as specific as possible about dates, locations, and the identities and positions of all persons mentioned. In particular, identify actual and potential witnesses, giving work locations and telephone numbers when possible. Also, attach any pertinent documents that you may have. Please provide, if possible, a copy of the notification of the agency's proposal and/or decision about the personnel action(s) covered by your request for OSC action. If more space is needed, use Continuation Sheet at page 12.)*

15. What action would you like OSC to take in this matter (that is, what remedy are you asking for)?

MUST BE COMPLETED FOR ALL DISCLOSURES REPORTED IN THIS COMPLAINT

A. WHAT INFORMATION WAS DISCLOSED? *(DESCRIBE WHISTLEBLOWER DISCLOSURE)*

The Employing Agency, Naval Ordnance Test Unit, Cape Canaveral Air Force Station, Florida 32920-1623, assigned me my old supervisor's government E-Mail Code, SPP-381. My supervisor, Mr. Lloyd P. Diehl, Jr., was receiving pornographic E-Mails jokes, pictures and film clips from his Lockheed Martin and other contractor business associates, as well as, sending and receiving non-work, related improper E-Mails from other employing agency employees and subordinates employees. I was informed by Ms. Elizabeth Fischmann, SPLe-1, Strategic Systems Programs Ethics Officer, to turn pornographic E-Mail Material into employing agency Ethics Officer, Ms. Nan B. Jones SP10E.

1. **WHEN WAS THE DISCLOSURE MADE?** (MO/DA/YR)
   01/16/2001
2. **TO WHOM (NAME AND TITLE) WAS THE DISCLOSURE MADE?**
   Ms. Elizabeth Fischmann, SPLe-1, Strategic Systems Ethics Officer.
3. **DISCLOSURE OF INFORMATION EVIDENCED** *(check all that apply):*
   - (X) VIOLATION OF LAW, RULE, OR REGULATION
   - ( ) GROSS MISMANAGEMENT
   - ( ) GROSS WASTE OF FUNDS
   - (X) ABUSE OF AUTHORITY
   - ( ) SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY
   - ( ) NONE OF THE ABOVE
4. **WHAT PERSONNEL ACTION OCCURRED, FAILED TO OCCUR, OR WAS THREATENED BECAUSE OF THE DISCLOSURE?** *(List all applicable personnel action numbers from pages 4-5.)*
   Numbers 3, 4, 7, 9, 10, & 11
5. **WHEN DID PERSONNEL ACTION(S) OR THREAT(S) OCCUR?** (MO/DA/YR)
   06/25/2001

B. WHAT INFORMATION WAS DISCLOSED? *(DESCRIBE NEXT WHISTLEBLOWER DISCLOSURE)*

1. **WHEN WAS THE DISCLOSURE MADE?** (MO/DA/YR)
2. **TO WHOM (NAME AND TITLE) WAS THE DISCLOSURE MADE?**
3. **DISCLOSURE OF INFORMATION EVIDENCED** *(check all that apply):*
   - ( ) VIOLATION OF LAW, RULE, OR REGULATION
   - ( ) GROSS MISMANAGEMENT
   - ( ) GROSS WASTE OF FUNDS
   - ( ) ABUSE OF AUTHORITY
   - ( ) SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY
   - ( ) NONE OF THE ABOVE
4. **WHAT PERSONNEL ACTION OCCURRED, FAILED TO OCCUR, OR WAS THREATENED BECAUSE OF THE DISCLOSURE?** *(List all applicable personnel action numbers from pages 4-5.)*
5. **WHEN DID PERSONNEL ACTION(S) OR THREAT(S) OCCUR?** (MO/DA/YR)

KEEP A COPY OF THIS PAGE FOR YOUR RECORDS.

MUST BE COMPLETED FOR ALL DISCLOSURES REPORTED IN THIS COMPLAINT

C. WHAT INFORMATION WAS DISCLOSED? *(DESCRIBE NEXT WHISTLEBLOWER DISCLOSURE)*	
	1. WHEN WAS THE DISCLOSURE MADE? *(MO/DA/YR)*
	2. TO WHOM (NAME AND TITLE) WAS THE DISCLOSURE MADE?
	3. DISCLOSURE OF INFORMATION EVIDENCED *(check all that apply)*: ( ) VIOLATION OF LAW, RULE, OR REGULATION ( ) GROSS MISMANAGEMENT ( ) GROSS WASTE OF FUNDS ( ) ABUSE OF AUTHORITY ( ) SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY ( ) NONE OF THE ABOVE
	4. WHAT PERSONNEL ACTION OCCURRED, FAILED TO OCCUR, OR WAS THREATENED BECAUSE OF THE DISCLOSURE? *(List all applicable personnel action numbers from pages 4-5.)*
	5. WHEN DID PERSONNEL ACTION(S) OR THREAT(S) OCCUR? *(MO/DA/YR)*
D. WHAT INFORMATION WAS DISCLOSED? *(DESCRIBE NEXT WHISTLEBLOWER DISCLOSURE)*	
	1. WHEN WAS THE DISCLOSURE MADE? *(MO/DA/YR)*
	2. TO WHOM (NAME AND TITLE) WAS THE DISCLOSURE MADE?
	3. DISCLOSURE OF INFORMATION EVIDENCED *(check all that apply)*: ( ) VIOLATION OF LAW, RULE, OR REGULATION ( ) GROSS MISMANAGEMENT ( ) GROSS WASTE OF FUNDS ( ) ABUSE OF AUTHORITY ( ) SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY ( ) NONE OF THE ABOVE
	4. WHAT PERSONNEL ACTION OCCURRED, FAILED TO OCCUR, OR WAS THREATENED BECAUSE OF THE DISCLOSURE? *(List all applicable personnel action numbers from pages 4-5.)*
	5. WHEN DID PERSONNEL ACTION(S) OR THREAT(S) OCCUR? *(MO/DA/YR)*

KEEP A COPY OF THIS PAGE FOR YOUR RECORDS

MUST BE COMPLETED FOR ALL DISCLOSURES REPORTED IN THIS COMPLAINT

3. If you are not the person who actually made a disclosure described in boxes A, B, C, or D above, please check below to specify the disclosure involved, and provide the name, address, and telephone number of the person who made the disclosure, if known. *(If space is needed to identify more than one person, use Continuation Sheet at page 12.)*

Disclosure: A ( ) B ( ) C ( ) D ( )

Name: _____

Address: _____

_____

Telephone number: ( ) _____ Ext. _____

4. Explain why you believe that the personnel action(s) listed above occurred because of the disclosure(s) that you described. *(Be as specific as possible about any dates, locations, names, and positions of all persons mentioned in your explanation. In particular, identify actual and potential witnesses, giving work locations and telephone numbers, if known. Attach a copy of any documents that support your statements. Please provide, if possible, a copy of the notification of the agency's proposal and/or decision about the personnel action(s) covered by your complaint. If more space is needed, use Continuation Sheet at page 12.)*

My brother, Gary Burton Schmitt, SSN 265-35-4424, called in a false alarm to my supervisor, Mr. Lloyd P. Diehl, Jr., on 22 March 2002, resulting in my disbarment from my workplace on 25 March 2002. Previously, I had repeatedly warned my supervisor, Mr. Lloyd P. Diehl, Jr., the Employing Agency Command Personnel about my brother, Gary Burton Schmitt, intention to call into the employing agency, Naval Ordnance Test Unit, Cape Canaveral Air Force Station, Florida 32920-1623, a false alarm about me, because my Sister, Brenda Christine Schmitt, and I, Harry Michael Schmitt, were attempting to have him removed as my mother's guardian, because of his alcoholic problems he was experiencing at the time over our mother's, Helvi M. Schmitt's, medically diagnosed dementia prior to my employment with the employing agency, Naval Ordnance Test Unit, CCAFS, FL 32920-1623. I also warned my brother, Gary Burton Schmitt, not to call in any false alarms about me to my employing agency.

5. What action would you like OSC to take in this matter (that is, what remedy are you asking for)?

Reinstate my Workers' Compensation with the Employing Agency, NOTU, CCAFS, FL 32920-1623. Restore my Security Clearance with the Employing Agency and assist me in my Reemployment with another Department of Defense Employing Agency in the Central Florida area since my previous Employing Agency, NOTU, broke my confidentiality by sending out an E-Mail telling coworkers and contractors that I was the one who turned in his contractors business associates pornography for him.

A COPY OF THIS PAGE FOR YOUR RECORDS

PA-120

PART 3: CONSENT TO CERTAIN DISCLOSURES OF INFORMATION

OSC asks everyone who files a complaint alleging a possible prohibited personnel practice or other prohibited activity to select one of three Consent Statements shown below. ***IF YOU DO NOT SELECT ONE OF THE THREE CONSENT STATEMENTS BELOW, OSC WILL ASSUME THAT YOU HAVE SELECTED CONSENT STATEMENT 1.*** Please: (a) select and sign (or check, if filing electronically) one of the Consent Statements below; and (b) keep a copy of the Consent Statement you select (as well as a copy of all documents that you send to OSC) for your own records.

If you initially select a Consent Statement that restricts OSC's use of information, you may later select a less restrictive Consent Statement. If your selection of Consent Statement 2 or 3 prevents OSC from being able to conduct an investigation, an OSC representative will contact you, explain the circumstances, and provide you with an opportunity to select a less restrictive Consent Statement.

You should be aware that the Privacy Act allows information in OSC case files to be used or disclosed for certain purposes, regardless of which Consent Statement you sign. *See* 5 U.S.C. § 552a(b). Information about certain circumstances under which OSC can use or disclose information under the Privacy Act appears on the next page.

(Please sign one)

Consent Statement 1

I *consent* to OSC's communication with the agency involved in my complaint. I agree to allow OSC to disclose my identity as the complainant, and information from or about me, to the agency if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint (for example, to request information from the agency, or seek a possible resolution through mediation or corrective action). I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Harvey Michael Schmitt (Mike) — 26 August 2005

Complainant's Signature for Consent Statement 1 — Date Signed

Consent Statement 2

I *consent* to OSC's communication with the agency involved in my complaint, but I *do not agree* to allow OSC to disclose my identity as the complainant to that agency. I agree to allow OSC to disclose only information from or about me, without disclosing my name or other identifying information, if OSC decides that such disclosure is needed to investigate the allegation(s) in my complaint (for example, to request information from the agency, or seek a possible resolution through mediation or corrective action). I understand that in some circumstances (for example, if I am complaining about my failure to receive a promotion), OSC could not maintain my anonymity while communicating with the agency involved about a specific personnel action. In such cases, I understand that this request for confidentiality might prevent OSC from taking further action on my complaint. I also understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 2 — Date Signed

Consent Statement 3

I *do not* consent to OSC's communication with the agency involved in my complaint. I understand that if OSC decides that it cannot investigate the allegation(s) in my complaint without communicating with that agency, my lack of consent will probably prevent OSC from taking further action on the complaint. I understand that regardless of the Consent Statement I choose, OSC may disclose information from my complaint file when permitted by the Privacy Act (including circumstances summarized in Part 5, below).

Complainant's Signature for Consent Statement 3 — Date Signed

PART 4: CERTIFICATION AND SIGNATURE

I certify that all of the statements made in this complaint (including any continuation pages) are true, complete, and correct to the best of my knowledge and belief. I understand that a false statement or concealment of a material fact is a criminal offense punishable by a fine of up to $250,000, imprisonment for up to five years, or both. 18 U.S.C. § 1001.

Henry Michael Schmitt (Mike) — Signature

26 August 2005 — Date Signed

PART 5: PRIVACY ACT / PAPERWORK REDUCTION ACT STATEMENTS

Routine Uses. Limited disclosure of information from OSC files is needed to fulfill OSC's investigative, prosecutorial, and related responsibilities. OSC has described 18 routine uses for information in its files in the *Federal Register* (F.R.), at 66 F.R. 36611 (July 12, 2001), and 66 F.R. 51095 (October 5, 2001). A copy of the routine uses is available from OSC upon request. A summary of the routine uses appears below.

OSC may disclose information from its files in the following circumstances:

1. to disclose that an allegation of prohibited personnel practices or other prohibited activity has been filed;
2. to disclose information to the Office of Personnel Management (OPM) as needed for inquiries involving civil service laws, rules or regulations, or to obtain an advisory opinion;
3. to disclose information about allegations or complaints of discrimination to entities concerned with enforcement of antidiscrimination laws;
4. to the MSPB or the President, when seeking disciplinary action;
5. to the involved agency, MSPB, OPM, or the President when OSC has reason to believe that a prohibited personnel practice has occurred, exists, or is to be taken;
6. to disclose information to Congress in OSC's annual report;
7. to disclose information to third parties as needed to conduct an investigation; obtain an agency investigation and report on information disclosed to OSC's whistleblower disclosure channel; or to give notice of the status or outcome of an investigation;
8. to disclose information as needed to obtain information about hiring or retention of an employee; issuance of a security clearance; conduct of a security or suitability investigation; award of a contract; or issuance of a license, grant, or other benefit;
9. to the Office of Management and Budget (OMB) for certain legislative coordination and clearance purposes;

10. to provide information from an individual's record to a congressional office acting pursuant to the individual's request;

11. to furnish information to the National Archives and Records Administration for records management purposes;

12. to produce summary statistics and work force or other studies;

13. to provide information to the Department of Justice as needed for certain litigation purposes;

14. to provide information to courts or adjudicative bodies as needed for certain litigation purposes;

15. to disclose information to the MSPB as needed in special studies authorized by law;

16. for coordination with an agency's Office of Inspector General or comparable entity, to facilitate the coordination and conduct of investigations and review of allegations;

17. to news media or the public in certain circumstances (except when the Special Counsel determines that disclosure in a particular case would be an unwarranted invasion of personal privacy); and

18. to the Department of Labor and others as needed to implement the Uniformed Services Employment and Reemployment Rights Act of 1994, and the Veterans' Employment Opportunities Act of 1998.

If OSC officials believe that disclosure may be appropriate in a situation not covered by one of OSC's routine uses, or one of the 11 other exceptions to the Privacy Act's general prohibition on disclosure, OSC will seek written authorization from the complainant permitting the disclosure.

Purposes, Burdens, and Other Information. An agency may not conduct or sponsor a collection of information, and persons may not be required to respond to a collection of information, unless it: (a) has been approved by OMB; and (b) displays a currently valid OMB control number. The information in this form is collected pursuant to OSC's legal responsibility to investigate: (a) allegations of prohibited personnel practices, to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken (5 U.S.C. § 1214); and (b) other allegations of prohibited activity (5 U.S.C. § 1216). The information will be reviewed by OSC to determine whether the facts establish its jurisdiction over the subject of the complaint, and whether further investigation and corrective or disciplinary action is warranted. The reporting burden for this collection of information is estimated to be an average of one hour and 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the form. Please send any comments about this burden estimate, and suggestions for reducing the burden, to the Office of Special Counsel, Legal Counsel and Policy Division, 1730 M Street, N.W. (Suite 218), Washington, DC 20036-4505. Use of this form to file a complaint alleging a prohibited personnel practice or other prohibited activity is [illegible]se of this to file a complaint alleging only a Hatch Act violation is *not* required. 5 C.F.R. § 1800.1(d), as amended. As stated in Part 3 of this form, complainants may request that OSC maintain their name, and information provided by them, in confidence.

CONTINUATION SHEET

Part No.	Item/Question No.	Response Continuation
1	12	CDR Howard P. Miller, Program Executive Officer, NAVY, PL
1	12	Ms. Louise Vitale, U.S. Navy Attorney, SPIE-12, Strategic Systems Program

KEEP A COPY OF THIS PAGE FOR YOUR RECORDS
(ESPECIALLY IF YOU ARE ALLEGING REPRISAL FOR WHISTLEBLOWING)

650 Dixon Blvd., Apt. #22B
Cocoa, Florida 32922-7542
20 January 2003

Captain William H. Borger, USN
Naval Ordnance Test Unit
P.O. Box 1623
Cape Canaveral, Florida 32920-1623

Subj: Objection to Telephone Testimony of Complainant by On-Site Office of Compliants Investigator on Thursday and Friday, Feb. 6-7, 2003

Captain William H. Borger:

I need to inform you that OCI mediation of my discrimination complaints has failed to yeild a satisfactory solution for all concerned parties. Therefore, as the NOTU deciding EEO representative, I need to request your permission to give my testimony in person to the OCI Investigator during her visit to the NOTU command on Thursday and Friday, February 6-7, 2003. Also, I need to ask you to provide the daytime contact telephone number of Inspector General Captain Angelika Evangelist, USNR, to the OCI Investigator. Finally, I need to ask to provide me a copy of the Cape Canaveral Air Force Station Security Police reports on me, as well as, Standard Form 50, Notification of Personnel Action, regarding my suspension.

If I do not hear back from you in writing within 7 days from date of this letter, I will assume that you are denying my requests. THANK YOU for your time, attention and assistance in these requests.

Very Respectfully,
Harry M. Schmitt
Harry M. Schmitt

UNITED STATES POSTAL SERVICE

Date: 09/16/2006

harry schmitt
7211 CAPTAIN KIDD AVE
SARASOTA, FL 34231

Dear harry schmitt:

The following is in response to your 09/16/2006 request for delivery information on your Express Mail item number EQ84 9159 307U S. The delivery record shows that this item was delivered on 09/11/2006 at 07:23 AM in CAPE CANAVERAL, FL 32920 to B CAPPS. The scanned image of the recipient information is provided below.

Delivery Section

Signature of Recipient: B Capps 9/11/06

Address of Recipient: 1023

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

PA-126

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Security Manager
Naval Ordnance Test Unit
Cape Canaveral Air Force Station
Building 68220, Pier Road
Cape Canaveral, Florida 32920-1623

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☒ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery 9-15-04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☒ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) EQ849163451US

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PA-127

File Number: 062048358
1008OD-D-AC

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMPENSATION PROGRAMS
PO BOX 8300 DISTRICT 6
LONDON KY 40742-8300
Phone: (904) 357-4777

June 21, 2002

Date of Injury: 12/15/2000
Employee: Harry Schmitt

HARRY M. SCHMITT
650 DIXON BLVD APT 22B
COCOA, FL 32922

Dear Mr. Schmitt:

This is to notify you that your occupational disease claim has been accepted for the condition(s) of:
Diagnosed condition(s): POST TRAUMATIC STRESS DISORDER, ACUTE
ICD-9 Code(s): 308.3.

The FECA provides for payment of appropriate medical expenses related to your occupational disease following proper submission of charges to this office. Bills should reflect the above ICD-9 code(s) to avoid delay or rejection of payment.

Lost time from work may be claimed by filing Form CA-7. Any claim for lost wages must be submitted through your employing agency. They will complete the pay rate information and prepare a day-by-day absence analysis showing your pay status during the period(s) claimed.

TO EMPLOYER: IF A CA-7 IS FILED CLAIMING COMPENSATION FOR WAGE LOSS, PLEASE ATTACH A COPY OF THE POSITION DESCRIPTION (INCLUDING PHYSICAL REQUIREMENTS) FOR THE JOB HELD BY THE EMPLOYEE WHEN DISABILITY BEGAN.

If you have any questions regarding your claim you may contact me at the above address.

Sincerely,

Maggie Fernandez
Senior Claims Examiner

Enclosure: "Guide for Claimants" containing useful information

NAVY
NAVAL AIR WARFARE CENTER TRNG
SYSTEMS DIVISION CODE 7311 JC
12350 RESEARCH PKY
ORLANDO, FL 32826

PA-128

File Number: 082048358
JAXLETTER43-O-P

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMPENSATION PROGRAMS
PO BOX 8300 DISTRICT 6
LONDON KY 40742-8300
Phone: (904) 357-4777

November 12, 2002

Date of Injury: 12/15/2000
Employee: Harry Schmitt

HARRY M. SCHMITT
650 DIXON BLVD APT 22B
COCOA, FL 32922

Dear Mr. Schmitt:

Until further notice, you will be paid compensation under the conditions set forth in this letter.

Except as noted below, whenever the evidence in your file indicates that you are no longer disabled because of your injury, the Office will send you a copy of that evidence and provide you an opportunity to comment on it or to submit other evidence supporting your entitlement, before a decision is made to terminate compensation.

However, you should be aware that payment of compensation will be terminated without such notice whenever this Office is notified that you have earnings equal to or higher than the wages being paid for the job you held when injured.

Weekly rate of pay used to compute gross compensation: $1,217.69

Percentage of rate of pay: 2/3

Cost-of-living adjustments (if applicable) have increased your gross weekly compensation to: $N/A at this time

First Payment:

For Period from 8/13/02 to 11/02/02

Gross Amount: $9,579.12

Health Benefits: $328.35

Optional Life Ins: $118.80

Basic Life Ins: $10.23

Net Amount: $9,079.59

Regular Payment:

For Period from 11/03/02 to 11/30/02

File Number: 062048358
JAXLETTER43-O-P

Gross Amount: $3,247.16

Health Benefits: $119.40

Optional Life Ins: $39.60

Basic Life Ins: $20.46

Net Amount: $3,067.70

If you have optional life insurance, basic life insurance and/or health benefits coverage, but no deduction for it is listed above, contact this Office immediately. You continue to be responsible for these premiums.

You will be paid each four weeks at the regular payment rate shown above, provided that you comply with the instructions set forth on the enclosed EN1049. Read the instructions carefully. They explain your responsibility for seeking work suitable to your disabled condition and for your reporting your efforts to find employment to this Office.

In order to avoid an overpayment of compensation, NOTIFY THIS OFFICE IMMEDIATELY WHEN YOU RETURN TO WORK. Each payment made through the Office's automated system will include the period for which payment is made. If you have worked for any portion of this period, you must return the check to this Office. Otherwise, an overpayment of compensation may result. Also, advise us immediately of any change in address or of any change in the status of your dependents.

(Note to employer: Please notify this Office immediately when the claimant returns to work.)

Sincerely,

Sharon Dawkins
Claims Examiner

Approved by

Alida Anderson
Senior Claims Examiner

Enclosure: EN1049

NAVY
NAVAL AIR WARFARE CENTER TRNG
SYSTEMS DIVISION CODE 7311 JC
12350 RESEARCH PKY
ORLANDO, FL 32826

(DFAS-CH/P)

MEMORANDUM – LEAVE BUY BACK

EMPLOYEE'S NAME: Harry M. Schmitt SSN: 265-35-4432

DATES OF LEAVE BUY BACK CLAIM: 08-27-01 TO 09-28-01

1: I elect to pay $754.95, my portion towards repurchase of my leave, in the following manner:

_X_ Lump sum. Please indicate payment is for a leave buy back.
MAKE CHECK PAYALDE TO : DFAS-CL DSSN 8522

_____ Payroll deduction

I elect to have payroll deduction in the amount of $ _____ (Minimum deduction is $25.00) each pay period until my balance is paid in full. Deductions to start upon receipt of this form. Leave will be restored when balance is paid in full.

_____ I elect not to buy back my leave.

Signature Harry M. Schmitt

Daytime Phone Number 321-617-7468

Date 20 March 2003

Database: ZGT East Pay Block: 300

Mail check to: DFAS, Cleveland Center
P O Box 998010
Cleveland, Ohio 44199

DEPARTMENT OF THE NAVY
NAVAL AIR WARFARE CENTER TRAINING SYSTEMS DIVISION
12350 RESEARCH PARKWAY
ORLANDO, FLORIDA 32826-3224

IN REPLY REFER TO

8 February 2005

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718

Mr. Schmitt:

This letter is to advise you that your Worker's Compensation case was transferred to Navy Region Southwest, Human Resources Office, 937 North Harbor Drive 6th Floor, San Diego, CA 92132. This was due to a transfer of function realigning your previous position to the Program Management Office, Strategic Systems Program, Sunnyvale, CA, on 5 October 2003.

Please direct any future correspondence regarding your Worker's Compensation claim, number 062048358, to the San Diego address.

Regina S. Duncan

REGINA S. DUNCAN
Human Resources Specialist

PA-132

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
May 23, 2006

Date of Injury: 12/15/2000
OWCP File Number: 062048358

RECONSIDERATION REQUEST
DOL DFEC Central Mailroom
P.O. Box 8300
London, KY 40742

Claim Examiner:

I request RECONSIDERATION of my claim on the grounds of violation of the Privacy Act of 1974 by the Employing Agency, Naval Ordnance Test Unit, Cape Canaveral Air Force Station, Florida. My Privacy Act Violation by the Employing Agency concerns Doctor Cathy P. Milam, Dermatologist, and Doctor Scott Formesly, Psychiatrist. My Medical Privacy Act Violation is currently being reviewed by the United States Merit Systems Protection Board. The evidence of my Medical Privacy Act Violation by the Employing Agency, NOTU, includes medical reports, sworn statements and legal argument not previously submitted. THANK YOU for your time and consideration of my RECONSIDERATION REQUEST. GOD BLESS! Take Care.

Sincerely,
Harry M. Schmitt
Harry M. Schmitt

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
May 7, 2006

OWCP File Number: 062048368
Date of Injury: 12/15/00

U.S. Department of Labor
Attn: Privacy Act Officer
Branch of Regulations and Procedures
ESA/OWCP/DFEC, Room S-3229
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Dear Privacy Act Officer:

I am writing this letter to you to inform you of my medical Privacy Act Violation by the employing Agency, Naval Ordnance Test Unit, Cape Canaveral Air Force Station, Florida. I request a written response informing me of my rights and responsibilities concerning my medical Privacy Act Violation by the employing agency as soon as possible. THANK YOU for your time and response back to me on this Privacy Act Violation matter. GOD BLESS! Take Care,

Sincerely,
Harry M. Schmitt
Harry M. Schmitt

Linda K. Erickson, L.C.S.W.

2750 Bahia Vista
Suite 108
Sarasota, FL 34239

Phone 941-951-1500
Fax 941-952-9400

June 07, 2006

U.S. Dept of Labor

Update of Harry M. Schmitt who continues individual counseling for Post Traumatic Stress Disorder on a weekly basis. This condition is the direct result from his treatment after reporting sexual improprieties in his work place. He was harrassed and threatened by his direct supervisor who was involved in the sexual improprieties. The harrassment was perpetuated by other individuals in the work place setting. He continues with medication prescribed by Dr. Scott Pemusley a psychiatrist. Please let me know if I maybe of further assistance in this matter.

Sincerely,

Linda K Erickson

Linda K.Erickson

Family Practice
Barry I. Stein, M.D.
Laurence B. Levenberg, M.D.
Kevin J. Dunn, M.D.
Alec M. Rubin, M.D.

FIRST PHYSICIANS GROUP
of Sarasota
Your choice for total health care.

Internal Medicine / Pediatrics
Mark H. Brus, M.D.
Kristen L. Paules, M.D.

Carol A. Phillips, ARNP
J. Lynn Griffin, ARNP

Family Practice Associates
6128 S. Tamiami Trail • Sarasota, FL 34231
(941) 923-5882 • (941) 923-3836 (Fax)

June 17, 2006

United States Department of Labour
Employment Standards Administration
Office of Workers' Compensation Programs

Post Office box 8300, and District 6 JAC
London, Ky 40742

Employee: Harry M. Schmidt
Vial # 062048358

To whom it may concern:

I reevaluated Harry M. Schmidt on June 15th, 2006. His medical problems remain well controlled at this time. He is continuing follow-up with psychiatry and counseling for management of posttraumatic stress disorder. I am managing acute problems as they occur.

Sincerely,

Mark H. Brus MD, FACP FAAP

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Human Capital Leadership
and Merit System
Accountability Division

AUG 15 2006

Mr. Harry Schmitt
7211 Captain Kidd Avenue
Sarasota, Florida 34231

Dear Mr. Schmitt:

Thank you for the informational copy of requests you have made to the President, the Federal Labor Relations Authority, other organizations, and to the Department of Navy including an Equal Employment Opportunity (EEO) complaint.

It appears you have followed the proper procedures needed for handling the EEO complaint and the other issues for which you are seeking resolution.

While the Office of Personnel Management has no authority in these matters, we appreciate your contacting us and hope that these matters are settled to your satisfaction.

Sincerely,

Marta Brito Pérez
Associate Director
Human Capital Leadership
and Merit System Accountability

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

5500
Ser N09N2/6U871232

SEP 15 2006

Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718

Dear Mr. Schmitt:

Your correspondence of 1 September 2006 requested reconsideration of your security clearance before the Personnel Security Appeals Board. Your clearance was revoked by the Department of the Navy Central Adjudication Facility on 17 June 2003 and that decision was upheld by the Personnel Security Appeals Board 5 Dec 2003.

Reconsideration of clearance eligibility is based on an official need to know, as identified by a Department of the Navy requesting authority. Clearance eligibility cannot be established based an individual personal request.

The CNO N09N2 point of contact for this matter is Cassandra Borden at (202) 433-8844 or CAborden@ncis.navy.mil.

C. R. Sontag

C. R. SONTAG
Assistant for Information
and Personnel Security

PA-138

7211 Captain Kidd Avenue
Sarasota, Flecida 34231-4718
September 22, 2006

Date of Injury: 12/15/2000
DOL OWCP File No.: 062048358

Department of the Navy, Headquarters
Naval Criminal Investigative Service
Attn: Ms. Cassandra Borden (202) 433-8844
716 Sicard Street SE, Suite 2000
Washington Navy Yard DC 20388-6380

Subj: My Medical Privacy Act Violation by DON NOTU Headquarters

Dear Ms. Cassandra Borden:

I, Harry Michael Schmitt, hereby make the following statement under oath:

Ms. Ann B. Jones, NOTU IS Ethics Officer, stated to DON CAF Investigator that she came to me asking about Dr. Cathy P. Milam and that I became upset over her inquiry. Ms. Ann B. Jones' statement to DON CAF Investigator is false. The NOTU Mail Investigative Service found my letter to Dr. Cathy P. Milam on my work computer at NOTU after I had been

Date of Injury: 12/16/2000

DOL OWCP File No.: 06204835B

disbarred from the NOTU workplace by LCDR Mark L. Stevens on March 25, 2002. This was part of the coercion being perpetrated by the NOTU command.

OATH

I affirm under penalty of felony perjury that the above statement is true and accurate to the best of my personal knowledge, information, and belief.

September 22, 2006 — Michael Schmitt

Date — Affiant's Signature

cc: Director OCIS
Director DON CAF
Director SSP
CNO, DNS-36
Dr. Cathy P. Milam

Encl

United States Senate

WASHINGTON, DC 20510-0905

BILL NELSON
FLORIDA

December 1, 2006

Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718

Dear Mr. Schmitt:

Thank you for contacting my office regarding your health benefits and the complaint you filed. I appreciate being made aware of your concerns and will be pleased to look into this matter.

Currently, I am in touch with the U.S. Department of Health and Human Services, Office of Civil Rights on your behalf. As sooh as I have a response, I will share the results with you.

Again, thank you for contacting my office. I want you to know that as your U.S. Senator from Florida, I welcome the opportunity to serve you. If I can assist you with any other matter, please do not hesitate to let me know.

Sincerely,

Bill Nelson

BN/jrl

PA-141

United States Senator Bill Nelson, Landmark Two, 225 East Robinson Street, Suite 410, Orlando, Florida 32801
Telephone: (407) 872-7161 • Toll-Free *in Florida Only* (888) 671-4091 • Fax: (407) 872-7165
http://billnelson.senate.gov

Harry M. Schmitt
7211 Captain Kidd Av.
Sarasota, FL 34231
SSN 265-35-4432

College Claims Department
Student Insurance Division
P.O. Box 809025
Dallas, Texas 75380-9025

3 November 1995

Dear Sir/Madam:

I dispute your company's decision regarding my recent claims for medical services based on services rendered without a student health service referral. I do have on record, at the University of South Florida's student health, referrals. Your company is welcomed to contact USF student health center for conformation of the referrals. Specifically, Doctor Meadows or Doctor Gerley can assist your company in this matter. You may contact them at phone #813-974-2331.

Thank you for your time and assistance in this matter. If you have any questions regarding this dispute, your company's representative may contact me at phone# 941-923-2253. Again, thank you for your company's time in clearing up this problem to our mutual satisfaction.

Regards,

Harry M. Schmitt

Harry M. Schmitt

cc: USF SHS Records
Dr. Meadows
Dr. Gerley

Referral Slip

UNIVERSITY OF SOUTH FLORIDA
Student Health Services
4202 E. Fowler Ave. - SHS 100
Tampa, FL 33620-6750
Telephone 813-974-2331
FAX 813-974-5888

11-27-95
Date

Harvey Schmitt 265-35-4432
Name Social Security Number*

is referred to: Cathy McCann MD. Surgery

PURPOSE: penile rash, thighs, scalp and other areas.

SIGNATURE: Vern H Rostenberg MD.

* Please include social security number on all return correspondence.

USF Student Health Services is not responsible for any financial obligation incurred from this referral.

PA 143

BEST AVAILABLE COPY

7211 Captain Kidd Avenue
Sarasota, Florida 34231

24 December, 1995

Mr. Martin Silbiger
Dean, College of Medicine
University of South Florida
12901 Bruce B. Downs Blvd.
Tampa, Florida 33612

Dear Mr. Silbiger:

I felt I needed to congratulate your college's outstanding performance regarding your physician training program! I am a graduate student enrolled in the College of Engineering. I have been fighting an extremely persistent inflammatory dermatological condition for the past 22 years more or less on my own due to the location of the breakouts. It was not until the past 5 years that I found the courage to admit to myself that I was losing the war against this condition and sought out professional assistance.

I was referred to a physician of dermatology for the above cited condition. I was truly surprised by the compassionate reception I was afforded by the physician and her staff! The courtesy and professionalism of the physician and her staff are impeccable! They made me feel quite comfortable discussing the skin flareups. Because of the physician's advice and kindness, I have been able to regain good management over most of the problem areas; and I have even been able to achieve complete remission of the skin problems in some areas! It has not been easy on either the physician or myself to maintain this treatment level; it is definitely a team effort. Even when I get into trouble with the treatment plan, she and her staff always greet me with a smile when I go to her office for additional guidance.

It was not until the recent past, Mr. Silbiger, that I discovered that the physician of dermatology whom I was visiting on a regular basis is herself a graduate of the USF College of Medicine! You could have pushed me over with a feather, Mr. Silbiger, I was so shocked by this fact! The physician to whom I refer is Doctor Cathy P. Milam. Now that I am aware of this fact, I am even more honored to be under Physician Milam's care. Mr. Silbiger, if you continue to graduate such high caliber physicians, such as Doctor Milam, you will realize your goal to have a USF physician as the United States Surgeon General in the near future!! If Dr. Milam ever decides to pursue advance studies in her field, I would wholeheartedly endorse her for full professorship at USF. Thank you for your time, Mr. Silbiger; I have enclosed a gift of $100 toward your college training program (I wish it could be more!!).

Sincerely,

Mike Schmitt

Mike Schmitt, MSEE

USF
Vice President for Health Sciences
Dean of the College of Medicine
University of South Florida
12901 Bruce B. Downs Blvd., MDC Box 2
Tampa, Florida 33612-4799
(813) 974-2196
FAX (813) 974-3886

January 16, 1996

Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34321

Dear Mr. Schmitt:

Thank you for your generous donation for physician training in our College of Medicine. It was gratifying to learn of the progress you have made under the care of Dr. Milam. All of us associated with the College of Medicine are proud of our graduates' commitment to providing the best in patient care.

It was thoughtful of you to write and let me know of your interest in our College of Medicine. I appreciate your interest and support.

Sincerely,

Dr. Martin L. Silbiger
Interim Dean, College of Medicine
Interim Vice President, Health Sciences Center

MLS/rh
cc: Dr. Cathy Milam

650 Dixon Blvd., Apt. #22B
Cocoa, Florida 32922
13 June, 2001

Dr. Milam
1750 South Osprey Avenue
Sarasota, Florida 34239

Ref: 1) Telephone Conversation between Dr. Milam's Office & Dr. Livstone's Office on 18 May 1995.
2) Dr. Livstone's Letter dated 22 May 1995 sent to Dr. Milam's Office and Dr. Schwartzbaum's Office.
3) Dr. Milam's Letter dated 4 December, 2000.
4) Mr. Schmitt's Letter dated 5 January, 2001.
5) Dr. Milam's Letter dated 12 January, 2001.
6) Mr. Schmitt's Letter dated 6 February, 2001.

Dr. Cathy P. Milam:

Regarding reference (1), I have tried very hard to amend this telephone conversation that you had with Dr. Livstone back on 18 May 1995. As I have tried to explain to you in my reply letter, reference (4) to your letter, reference (3), I was totally unaware of the fact that you had contacted Dr. Livstone and had received a letter back from his office, reference (2). Dr. Livstone's Letter to your office was based upon what you had told him via your telephone conversation with him. Again, I was not aware for over five and a half years that this letter even existed in my medical records; and therefore, I was denied the opportunity to review Dr. Livstone's Letter to your office and correct any doctor/patient misunderstandings and any resulting medical record discrepancies at that point in time. Your conversation Dr. Livstone contained several discrepancies that as your patient I have tried to desperately to correct with your office since 5 January, 2001. The following doctor/patient dialog is the verbatim account of what took place over five and a half years.

I had reported to the University of South Florida (USF) Health Clinic doctors that I had experience a very near fatal drug reaction to the Spectazole cream that Dr. Milam had given me to fight a chaffing heat rash in the groin area exacerbated by my exercise program. The prior night, I had applied the Spectazole cream to open sores on my glans penis and within less than two minutes an extremely shape stabbing continuous pain moving quickly up the shaft of my penis across my bladder penetrating deeply in to my abdomen prior I could even get from the bedroom to the bathroom to rinse off the Spectazole cream from my glans penis. I collapsed onto the toilet seat in extreme anguish from the pain and suffering acute respiratory distress. I remained sitting and stooped over the toilet seat for over an hour before the extremely sharp stabbing pain subsided just enough to allow me to literally crawl on the floor back to my bedroom where I remained extremely acute respiratory distress for the rest of the night. I was not able to even call for help because of the severity of the Spectazole cream reaction. I came very close to death by suffocation. Prior to this incident, I had requested a copy of my USF medical records, as well as, the medical records from my primary care physician, Dr. Sarkis, at that time; and, I hand carried my medical records to Dr. Milam's office to provide her office with my complete medical history.

The next day after the near fatal Spectazole cream reaction, I called Dr. Milam's office and reported extreme drug reaction to her nurse, Terry. Dr. Milam's nurse tried to convince me on the phone that "that must had been something you ate". I replied back to the nurse on the telephone that "it was not something I ate" and "I want you to tell Dr. Milam" and that I would call the Dr. Milam's office back later on that day. I did call Dr. Milam's office later on that day and asked Terry what Dr. Milam had to say about the near fatal Spectrazole drug reaction and Dr. Milam had told her that "that should not had happened".

On the follow up appointment with Dr. Milam's office, I saw Dr. Milam's nurse Terry who asked me "How do I feel". I replied back to her that "I am still here" and she said "good". She then asked me to take off all my clothes and provided me a white sheet to cover my lap. She left the room and I took off all my clothes, got on the examination table and placed the white sheet over my lap and waited for her and Dr. Milam's

returned to the examination room. Dr. Milam and her nurse Terry entered the examination room. Dr. Milam approached me and asked me to pull down the white lap sheet so that my genitals where completely exposed along with the upper inside legs for her medical examination of the affected areas. I complied with her request and pulled down the white sheet and pulled back my foreskin to expose my glans penis and reddish open genital sores. Dr. Milam examined the open sores on my glans penis and walk away in a calm voice saying "its herpes simplex". I immediately become upset and said "Herpes Simplex!!! You will not put that in my record!!!". Immediately Dr. Milam interrupted me and asked "What wrong". And I loudly and firmly reminded Dr. Milam that "I told you (from a prior office visit) that I was celibate". My penis was beginning to erect in front of Dr, Milam, she immediately interrupted me again before I could finish my sentence, she said to me "it fever sores, cold blisters...". (At this point in time, I was not aware that there was a Non-Venereal type of Herpes Simplex and this what Dr. Milam was trying to tell me.) I immediately interrupted Dr. Milam saying loud and firmly "Why did it attack me!!!" Dr. Milam said in a scared voice "it was an allegic reaction!!!" I immediately tried to finish my sentence saying to Dr. Milam "I haven't (referring to no sexaul intercourse)" looking up at the examination room ceiling at this point. (When I looked down again, I could see fear in Dr. Milam's eyes, but I swear to God that I had NO intention of jumping off the medical examination table and attacking her or h[illegible] nurse.) Dr. Milam immediately changed her diagnosis from Herpes Simplex to Erythema. At this point, Dr. Milam's nurse, Terry, interrupted both of us. Throughout most of this intense verbal exchange, Dr. Milam continued to examine my erect penis form her seated position in the examination room as good medical practioner. At this time both Dr. Milam and myself immediately calmed down. Dr. Milam wrote the amended diagnosis of Erythema into patient's medical record. Then, Dr. Milam and her nurse excused themselves from the room. Patient got dress and left the medical examination room. Dr. Milam discontinued patient's use of Spectazole cream and prescribed Nizoral cream in its place in patient medical record for use on the patient's glans penis under his foreskin for any subsequent yellow blisters forming on the patient glans penis and resulting sores, as well as, for use on chaffing heat rash on upper inside legs as a result of the patient's exercise program.

I did followup with Dr. Livstones on Dr. Milam's dermatologic treatments including reporting a confirmed near fatal reaction to Imodium AD (the liquid form) and the Spectazole near fatal reaction referring him to contact Dr. Milam's office for further details that reaction since I thought that Dr. Milam had clearly written down my report to her in my medical records. Unfortunately, this was not the case. Dr. Milam had only told Dr. Livstone part of the factual account of what had transpired in her office. And, was once again complaining to Dr. Livstone as she did to Dr. Sarkis about my thanking her and her staff for their efforts in helping me with these skin problems. I think very highly of Dr. Milam and her staff; and, I do know Dr. Milam and staff are GOOD PEOPLE! And I just wanted to sincerely thank Dr. Milam and her staff on the Thanksgiving, Christmas/New Years, and Easter holidays bring sending them fruit baskets for all the help they have given me in coping with these skin problem over the years. It is a privilege and an honor to have Dr. Milam as my primary dermatologist.

It is my sincerest hope that Dr. Milam and her staff will consider this letter as a frank and honest account of what took place in her office over five and a half years ago; and, use this letter to amend her telephone conversation with Dr. Livstone's office in my medical record so that any misunderstanding may be forgiven by both doctor and patient in regards to references (5) and (6). THANK YOU for your time and consideration of this patient requested medical record amendment.

Very Respectfully,

Mike Schmitt

Mike Schmitt

SEBORRHEIC DERMATITIS

This is an extremely common condition that causes redness and fine white scaling in the areas of involvement. This most commonly involves the scalp where it may be referred to as dandruff. When it occurs here or on the ears it is often, itchy. Seborrheic dermatitis also commonly involves the face particularly adjacent to the nose, and in the eyebrows. It can occasionally occur on the mid chest, back, the underarm or groin areas.

WHAT CAUSES SEBORRHEIC DERMATITIS? Currently it is felt that seborrheic dermatitis is a hypersensitivity (mild allergic type) reaction to a yeast called Pityrosporum that normally colonizes our skin. This theory is supported by several facts. First, this yeast tends to grow most on the areas where seborrheic dermatitis occurs. Additionally, measures which control yeast (antifungals), or measures which control hypersensitivity (topical steroids) are both effective in treatment.

TREATMENT: Seborrheic dermatitis is a very treatable, but chronic (not curable) condition. Treatments will improve it and often clear it, but it does have a tendency to recur intermittently when off therapy. Depending on he severity of your case you may need to use something every day or only every once in awhile for flare ups. Over-the-counter dandruff shampoos containing pyrithion zinc (Head & Shoulders, Pert Plus, etc.), tar (Pentrax Remi-T, T/Gel, etc.)or selenium sulfide (Selsun, Head & Shoulders, Intensive Care) are helpful and can be used in combination. Generally, these are most helpful if massaged into the scalp and allowed to remain in place for 5-10 minutes before rinsing. I also recommend alternating 2 or 3 of these shampoos as the condition tends to respond better. Shampoo more frequently whenever the condition is flaring (every day). Once controlled continue shampooing as often as needed to maintain control. For involvement on the face and other areas gentle washing with a dandruff shampoo left on the skin or with a mild soap is best. A prescription cleanser called Plexion is also available. The condition will flare if washing is stopped, however excessive washing in these areas can cause more irritation. Over-the-counter 1% hydrocortisone cream is helpful and safe for mild cases. For more severe cases or flare-ups prescription strength topical steroids are particularly effective. Relatively mild ones such as Hytone, desonide, Aclovate and Locoid are generally used on the face. The stronger prescription steroids such as fluocinonide can be used in clear solutions on the scalp, which is very resistant to steroid side effects. In general, all of these prescription steroids are used just as needed since if they are used continuously they may actually lose some effectiveness and can occasionally cause atrophy (thin, red, wrinkled skin like stretch marks), telangiectasias (dilated red blood vessels), and outbreaks of acne, rosacea or acne-like bumps. Additionally, topical antifungals are also helpful in treating seborrheic dermatitis. These can be used alone or in conjunction with topical steroids and are very safe. The most commonly used of these is prescription Nizoral in cream for the face, or shampoo for the scalp (shampoo available in 1 % o/t/c & 2% prescription). Others, including over-the-counter clotrimazole and miconazole containing products should be effective as well. Also, prescription Novacet, Sulfacet, or Plexion (sulfacetamide/sulfur) can be very helpful and safe. Finally, selenium sulfide is available in prescription strength shampoo.

CATHY P. MILAM, M.D., P.A.
dermatology
dermatologic surgery
1750 S. OSPREY AVENUE
SARASOTA, FLORIDA 34239
(941) 364-8220

NAME Mike Schmitt AGE
ADDRESS DATE 5-8-98

℞ Aclovate Cream 15g.
Apply sparingly. red, itchy rash face 1-2x day in place of Desowen

REFILL: 0 1 2 3 (4) TIMES
MEDICALLY NECESSARY _____ M.D
DEA #BM0140587

CATHY P. MILAM, M.D., P.A.
dermatology
dermatologic surgery
1750 S. OSPREY AVENUE
SARASOTA, FLORIDA 34239
(941) 364-8220

NAME Mike Schmitt AGE
ADDRESS DATE 12-29-98

℞ Pramasone 2½% Ointment
Apply red. itchy rash 1-2x day p.m. 15g

REFILL: 0 1 2 3 (4) TIMES
MEDICALLY NECESSARY _____ M.D.
DEA #BM0140587

PA-149

CATHY P. MILAM, M.D., P.A.
KATHLEEN O'SULLIVAN, ARNP
dermatology
dermatologic surgery
1750 S. OSPREY AVENUE
SARASOTA, FLORIDA 34239
(941) 364-8220

NAME Michael Schmitt AGE
ADDRESS DATE 12/17/99

℞ Nizoral Shampoo
Wash hair, face daily.
Use this 2x week

REFILL: 0 1 2 3 (4) TIMES
MEDICALLY NECESSARY _____ ARNP
DEA #BM0140587 (Dr. Milam)

CATHY P. MILAM, M.D., P.A.
dermatology
dermatologic surgery
1515 S. OSPREY AVENUE, SUITE C-11
SARASOTA, FLORIDA 34239
(941) 364-8220

NAME Michael Schmitt AGE
ADDRESS DATE 1-31-97

℞ Bactroban 30g
apply open sores t.i.d
p.m.

REFILL: 0 1 2 3 (4) TIMES
_____ M.D.

CATHY F. MILAM, M.D., P.A.
dermatology
dermatologic surgery
1515 S. OSPREY AVENUE, SUITE C-11
SARASOTA, FLORIDA 34239
(941) 364-8220

NAME: Mike Schmitt AGE
ADDRESS DATE 1-31-97

℞ Desonide Cream 60g
apply to red, itchy
rash sparingly 1-2x day
pm-

REFILL: 0 1 2 3 (4) TIMES
MEDICALLY NECESSARY M.D.
DEA #BM0140587

CATHY F. MILAM, M.D., P.A.
dermatology
dermatologic surgery
1515 S. OSPREY AVENUE, SUITE C-11
SARASOTA, FLORIDA 34239
(941) 364-8220

NAME Mike Schmitt AGE
ADDRESS DATE 1-31-97

℞ 30g
Nizoral Cream
apply seborrhea face 2x day
as needed. may use it alone
or together with hydrocortisone
or desonide.

REFILL: 0 1 2 3 (4) TIMES
MEDICALLY NECESSARY M.D.
DEA #BM0140587

PA-150

ACLOVATE
(alclometasone dipropionate)
Cream, 0.05% Ointment, 0.05%
Available in 60g, 45, and 15g tubes

Aclovate & Nizoral
cream to heat rash
in addition to Zeasorb
Also apply to feet
might help with
blisters.

CATHY F. MILAM, M.D., P.A.
1750 S. Osprey Ave.
Sarasota, FL 34239

12-17-99

ASSOCIATES IN DERMATOLOGY
WILLIAM A. SIEFFLE, M.D.
DEA #
MARCIA S. DRISCOLL, M.D., PHARM. D.
DEA #
EDGARDO MERCADO, PA-C
LIC. # PAX 0000285
MA MONTELEONE, PA-C

931 W. OAK STREET, SUITE 103
KISSIMMEE, FL 34742-2269 (407) 846-7546 (SKIN)

1735 HIGHWAY 27 N., SUITE 202
DAVENPORT, FL 33837 (941) 421-4158

9430 TURKEY LAKE ROAD, SUITE 212
ORLANDO, FL 32819 (407) 239-7546

NAME Harry Schmidt AGE

ADDRESS DATE 10-20-00

℞

Pandel cream 15 grams
apply BID to scaly areas
around nose + eyebrows

Label
Refill 3 times
Harry

In order for the brand name product to be dispensed, the prescriber must write "Medically Necessary" below the signature.

GADE5023738

LEONARD SCHWARTZBAUM, M.D.
CAROL PHILLIPS, ARNP Lic. #: RN1706082
6128 S. TAMIAMI TRAIL
SARASOTA, FL 34293
(941) 923-5882

Name N. Schmidt Age

Address

BELOW MUST APPEAR GREEN Date

℞ DEA # 15

Ointment 0.05% cream
apply to
x 14 days

Label
Refill times PRN NR

This prescription may be filled with a generically equivalent drug product unless the words "Medically Necessary" are written, in the practitioner's own handwriting on this prescription form.

CATHY P. MILAM, M.D., P.A.
KATHLEEN O'SULLIVAN, ARNP
dermatology
dermatologic surgery
1750 S. OSPREY AVENUE
SARASOTA, FLORIDA 34239
(941) 364-5220

NAME Michael Schmidt

ADDRESS DATE 12/17/99 AGE

℞ Nizoral Cream
Apply each face, groin
bid
Large

REFILL: 0 1 2 3 TIMES

MEDICALLY NECESSARY

DEA #BM0146087 (Dr. Milam)
#RN-2197202

PA-151

ASSOCIATES IN DERMATOLOGY
WILLIAM A. SIEFFLE, M.D.
DEA #
MARCIA S. DRISCOLL, M.D., PHARM. D.
DEA #
EDGARDO MERCADO, PA-C
LIC. # PAX 0000285
MA MONTELEONE, PA-C

931 W. OAK STREET, SUITE 103
KISSIMMEE, FL 34742-2269 (407) 846-7546 (SKIN)

1735 HIGHWAY 27 N., SUITE 202
DAVENPORT, FL 33837 (941) 421-4158

9430 TURKEY LAKE ROAD, SUITE 212
ORLANDO, FL 32819 (407) 239-7546

NAME Harry Schmidt AGE

ADDRESS DATE 10-20-0

℞

Flexion cleanser
6 oz
Wash face bid for
seborrheic
dermatiti

Label
Refill 6 times

In order for the brand name product to be dispensed, the prescriber must write "Medically Necessary" below the signature.

Remit To:
AMERIPATH FD, INC-DERRICK
P.O. BOX 9628
FT LAUDERDALE, FL 33310-9628

For billing inquires, please call:
(800) 638-1407

Patient Name	Referring Doctor	Account No.	Statement Date
RRY M SCHMITT	DR. CATHY MILAM	IOH513398	05/18/98

From	Description		Payments	Charge
/08/98	SURGICAL PATH, LEVEL IV	88305		72.00

HIS BILL IS FOR PATHOLOGY SERVICES ORDERED BY YOUR PHYSICIAN. IF YOU AVE ANY QUESTIONS OR WOULD LIKE US TO FILE YOUR INSURANCE, PLEASE CALL US MMEDIATELY.

SS#
265-35-4432

ED'L EMPL ID: 65-0641688

CURRENT	PAST DUE			PATIENT	INSURANCE	ACCOUNT
72.00	0.00	0.00	0.00	72.00	0.00	72.00
0 - 30 DAYS	31 - 60 DAYS	61 - 90 DAYS	OVER 90 DAYS	TOTAL	TOTAL	TOTAL

PROGRESS NOTE - ASSOCIATES IN DERMATOLOGY

Place Sticker Here/
Fill in Date Harry Schmitt 10-20-00

PAST MEDICAL HISTORY

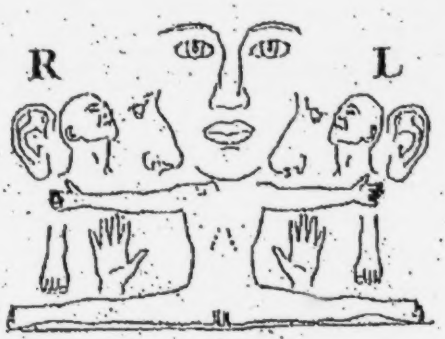
Y/N skin cancer
Y/N dysplastic moles
Y/N pacemaker

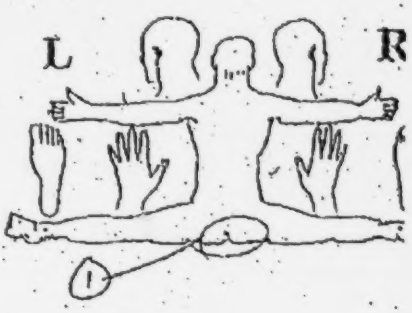
Medication names	Allergies
Vasotec	
Lamisil	Sporanox
Prednisone	Tetracycline (N)
Macrobid	
Zinc Soap	

REVIEW OF SYSTEMS - circle all that apply

Constitutional - fever chills weight loss
ENT - sore throat runny nose enlarged nodes
CV - chest pain irregular heart beat
Mus/skel - joint/muscle pain swelling
Other

All negative
Neuro - headache seizures
Eyes - irritated dry discharge
Resp - cough shortness of breath
GI/GU - nausea vomiting diarrhea
pain or frequent urination
genital sore or discharge





#1. CC: Rash Lesion Painful/Itchy area
c/o rash in buttocks area

Dx: Hemorrhoids c acanthosis

Hx: Started _____
Time course: better worse comes/goes Δsize/color
Quality: itchy painful burning
Exam: operative report -yes/no

Rx: operative report -yes/no
Proctofoam HC bid prn
Refer to Dr. MD for acanthosis due to proximity to anogenital vessels

Enlarged vessels perianally c 2 ~3/4 pink papules (not verrucous)

#2. CC: Rash Lesion Painful/Itchy area
c/o rash on the face

Dx: Seborrheic dermatitis

Hx: Started _____
Time course: better worse comes/goes Δsize/color
Quality: itchy painful burning
Exam: operative report -yes/no Clear, neck, ears, eyebrows + nose

Rx: operative report -yes/no
Plexion Cleanser bid
Ketodol cream bid prn
Dermatop sample bid, then x 3 days

Present illness: N.A.D. Very talkative

Sicily erythematous patches

DDX, RX OPTIONS, RISKS & BENEFITS OF TX & NON-TX DISCUSSED WITH AND WRITTEN & VERBAL POST-PROCEDURE/TREATMENT/MEDICATION INSTRUCTIONS & EDUCATION GIVEN TO PATIENT/GUARDIAN. PATIENT/GUARDIAN COMPREHENSIVE OF ABOVE AND HAS BEEN INSTRUCTED TO CALL ASAP IF PROBLEMS, QUESTIONS, OR CONCERNS OF ANY KIND ARISE.

DATE _____

Marcia E. Drinkitt, M.D. William A. Steele, M.D. NEXT APPT. 4-6d Dictated _____

PA-153

Sarasota Pathology
2001 Webber St. – Sarasota, FL 34239 Tel: (941) 362-8900 Fax: (941) 362-8971

Patient: **SCHMITT, HARRY**
DOB (Age) / Sex: 8/6/1960 (Age: 44) M
SS#: 265-35-4432
Physician(s): Monica K. Bedi, M.D.

Location: PHYSICIANS OFFICE

Specimen #: **S04-36481**
Obtained: 8/27/04
Received: 8/27/04
Reported: 8/30/04

SURGICAL PATHOLOGY REPORT

DIAGNOSIS:
"FOREHEAD, SHAVE":
- BASAL CELL CARCINOMA, NODULAR TYPE.

CJH/8/30/04

Yiqiu Zhang, M.D.
Report Electronically Signed

Excision scheduled 8/30/04

c/m 8/31/04
agpx 9/17/04

Specimen(s) Received:
FOREHEAD, SHAVE

Clinical History:
BCC.

Gross Description:
Received is a single container of formalin labeled with the patient's name, accession number and "forehead". The specimen consists of a single piece of ovai tan tissue measuring 0.7 x 0.6 x 0.1 cm. Sectionec across the short axis and totally submitted in one cassette.
VLD/kw/8/29/04

PA-155

May precious memories
comfort you.

Rev. Cathy Mullins & Staff

PA-156

ID #65-011-8075
BS #08431

CATHY P. MILAM, M.D.
dermatology
dermatologic surgery

1515 S. OSPREY AVENUE, SUI
SARASOTA, FLORIDA 3423
(813) 364-8220

GUARANTOR NAME AND ADDRESS	PATIENT NO.	PATIENT NAME	DR. NO.	DATE
MIKE (HARRY) SCHMITT 7211 CAPTAIN KIDD AVE SARASOTA FL 34231	4784	MIKE (HARRY) SCHMITT	1	08/26/9

DATE OF BIRTH	TELEPHONE NO.	INSURANCE CODE & DESCRIPTION	INSURANCE CERTIFICATE NUMBER
33 08/06/68	923-2253		

PL PROC.	CR. CD.	E-CODES
	N	

PROCEDURE	NEW	CONSULT	ESTAB.	FEE
OFFICE VISITS				
BRIEF	☐ 99201	☐ 99241	☐ 99211	
LIMITED	☐ 99202	☐ 99242	☐ 99212	
INTERMEDIATE	☐ 99203	☐ 99243	☐ 99213	
EXTENDED	☐ 99204	☐ 99244	☐ 99214	
COMPREHENSIVE	☐ 99205	☐ 99245		
POST-OP			☐ 99024	
MINOR SURGERY				
I & D SIMPLE, SINGLE			☐ 10060	
I & D COMPLICATED, MULTIPLE			☐ 10061	
I & D ABSCESS			☐ 10060	
ACNE SURGERY			☐ 10040	
DRAINAGE PARONYCHIA			☐ 10120	
FOREIGN BODY REMOVAL			☐ 10120	
BIOPSY			☐ 11100	
BIOPSY, EACH ADDITIONAL			☐ 11101	
EXTERNAL EAR			☐ 69130	
EYELID			☐ 67810	
LIP			☐ 40490	
PENIS			☐ 54100	
BENIGN DESTRUCTION				
FACIAL OR PREMALIGNANT LESION			☐ 17000	
2ND & 3RD LESIONS, EACH			☐ 17001	
OVER 3 LESIONS, EACH			☐ 17002	
BENIGN LESIONS, EXCEPT FACE			☐ 17100	
SECOND LESIONS			☐ 17101	
OVER 2 LESIONS, TO 15			☐ 17102	
FLAT WARTS, MULLOSCUM, MILIA			☐ 17110	
EXCISION, SKIN TAGS			☐ 11200	
EACH ADDITIONAL 10			☐ 11201	
CRYOSURGERY			☐ 17340	
BENIGN SHAVE EXCISIONS				
Shaving of epidermal or dermal lesion, single lesion;				
TRUNK, ARMS, OR LEGS; lesion diameter:				
0.5 cm or less			☐ 11300	
0.6 to 1.0 cm			☐ 11301	
1.1 to 2.0 cm			☐ 11302	
OVER 2.0 cm			☐ 11303	
SCALP, NECK, HANDS, FEET:				
0.5 cm or less			☐ 11305	
0.6 to 1.0 cm			☐ 11306	
1.1 to 2.0 cm			☐ 11307	
OVER 2.0 cm			☐ 11308	

PROCEDURE	CODE	FEE
FACE, EARS, EYELIDS, NOSE, LIPS, MUCOUS MEMBRANE:		
0.5 cm or less	☐ 11310	
0.6 to 1.0 cm	☐ 11311	
1.1 to 2.0 cm	☐ 11312	
OVER 2.0 cm	☐ 11313	
DESTRUCTION MALIGNANT LESION		
TRUNK, ARMS, LEGS:		
0.5 cm or less	☐ 17260	
0.6 to 1.0 cm	☐ 17261	
1.1 to 2.0 cm	☐ 17262	
2.1 to 3.0 cm	☐ 17263	
3.1 to 4.0 cm	☐ 17264	
OVER 4.0 cm	☐ 17266	
SCALP, NECK, HANDS, FEET, GENITALIA:		
0.5 cm or less	☐ 17270	
0.6 to 1.0 cm	☐ 17271	
1.1 to 2.0 cm	☐ 17272	
2.1 to 3.0 cm	☐ 17273	
3.1 to 4.0 cm	☐ 17274	
OVER 4.0 cm	☐ 17276	
FACE, EARS, EYELIDS, NOSE, LIPS:		
0.5 cm or less	☐ 17280	
0.6 to 1.0 cm	☐ 17281	
1.1 to 2.0 cm	☐ 17282	
2.1 to 3.0 cm	☐ 17283	
3.1 to 4.0 cm	☐ 17284	
OVER 4.0 cm	☐ 17286	

EXCISIONS	Benign	Malignant	FEE
TRUNK, ARMS, LEGS			
TO 0.5 cm	☐ 11400	☐ 11600	
0.6 – 1.0 cm	☐ 11401	☐ 11601	
1.1 – 2.0 cm	☐ 11402	☐ 11602	
2.1 – 3.0 cm	☐ 11403	☐ 11603	
3.1 – 4.0 cm	☐ 11404	☐ 11604	
OVER 4.0 cm	☐ 11406	☐ 11606	
SCALP, NECK, HANDS, FEET, GENITALIA			
TO 0.5 cm	☐ 11420	☐ 11620	
0.6 – 1.0 cm	☐ 11421	☐ 11621	
1.1 – 2.0 cm	☐ 11422	☐ 11622	
2.1 – 3.0 cm	☐ 11423	☐ 11623	
3.1 – 4.0 cm	☐ 11424	☐ 11624	
OVER 4.0 cm	☐ 11426	☐ 11626	

PROCEDURE	CODE	FEE
FACE, EYELIDS, EARS, NOSE, LIPS, MUCOUS MEMBRAI		
TO 0.5 cm	☐ 11440	☐ 11640
0.6 – 1.0 cm	☐ 11441	☐ 11641
1.1 – 2.0 cm	☐ 11442	☐ 11642
2.1 – 3.0 cm	☐ 11443	☐ 11643
3.1 – 4.0 cm	☐ 11444	☐ 11644
OVER 4.0 cm	☐ 11446	☐ 11646
WOUND REPAIR		
SCALP, AXILLAR, TRUNK, EXTR		
2.5 cm or less	☐ 12031	
2.5 to 7.5 cm	☐ 12032	
NECK, HANDS, FEET, GENITALS:		
2.5 cm or less	☐ 12041	
2.6 – 7.5 cm	☐ 12042	
FACE, EARS, NOSE, LIPS:		
2.5 cm or less	☐ 12051	
2.6 – 5.0 cm	☐ 12052	
5.1 – 7.5 cm	☐ 12053	
TRUNK: 1.1 – 2.5 cm	☐ 13100	
2.6 – 7.5 cm	☐ 13101	
SCALP, ARMS, LEGS: 1.1 – 2.5 cm	☐ 13120	
2.6 – 7.5 cm	☐ 13121	
FOREHEAD, CHEEKS, CHIN, NECK, HANDS, FEET:		
1.1 – 2.5 cm	☐ 13131	
2.6 – 7.5 cm	☐ 13132	
EYELIDS, NOSE, EARS, LIPS: 1.0 or less	☐ 13150	
1.1 – 2.5 cm	☐ 13151	
2.6 – 7.5 cm	☐ 13152	
WOUND REPAIR, COMPLICATED	☐ 13300	
ADJACENT TISSUE TRANSFER OR REARRANGEMENT		
TRUNK to 10 sq. cm	☐ 14000	
SCALP, ARMS, LEGS, to 10 sq. cm	☐ 14020	
FOREHEAD, CHEEKS, CHIN, MOUTH, NECK, AXILLAR, GENITALIA, HANDS, FEET to 10 sq. cm	☐ 14040	
EYELIDS, NOSE, EARS, LIPS	☐ 14060	
MISCELLANEOUS		
KOH	☐ 87220	
INTRALESIONAL INJECTIONS	☐ 11900	
	☐ 90782	
INTRAMUSCULAR INJECTION	☐ J3301	
LEG VEIN INJECTION	☐ 36468	
DESTRUCTION OF LESION, ANUS	☐ 46900	
DESTRUCTION OF LESION, PENIS	☐ 54250	

DIAGNOSIS		DIAGNOSIS		DIAGNOSIS		DIAGNOSIS	
706.1	Acne	708.8	Eczema, Xerotic	701.0	Ulcer Stasis & Angiop	658.9	Pruritus
704.00	Alopecia	035.	Erysipelas	214.__	Lipoma	696.1	Psoriasis
701.8	Atrophoderma	695.1	Erythema Multiforme	695.4	Lupus Erythematosus	287.2	Purpura
238.2	Atypical Nevi	695.2	Erythema Nodosum	202.8	Lymphoma	709.0	Purpura, Progressive
173.__	Basal Cell Ca	695.9	Erythema, Unspecified	782.2	Mass, Subcut	686.0	Pyoderma
919.4	Bite, Insect	039.0	Erysipeloid	757.33	Melanocytosis	686.1	Pyogenic Granuloma
949.0	Burn	695.9	Erythroderma	172.__	Melanoma	695.3	Rosacea
112.9	Candidiasis	373.32	Eyelid Dermatitis	705.1	Miliaria	135.	Sarcoidosis
528.2	Canker Sore	701.8	Facial Elastosis	708.2	Milium	133.0	Scabies
682.9	Cellulitis, Abscess	704.8	Folliculitis	078.0	Molluscum Contagiosum	763.2	Scar
692.79	Cheilitis, Actinic	709.4	Foreign Body	701.0	Morphea	710.1	Scleroderma
052.9	Chicken Pox	695.89	Granuloma Annulare	703.9	Nail Disease	287.2	Senile Purpura
380.00	Chondrodermatitis	228.01	Hemangioma	216.__	Neoplasm, Skin	701.9	Skin Tags
700.0	Corn/Callus	054.9	Herpes Simplex	698.3	Neurodermatitis	173.__	Squamous Cell Carcinom
702.8	Cutaneous Horn	053.9	Herpes Zoster-Varicella	215.9	Neurofibroma	692.71	Sunburn
126.9	Cut. Larval Migrans	705.83	Hidradenitis	215.__	Nevus Cell Nevus	448.9	Telangiectasia
706.2	Cyst, Epidermal	704.1	Hirsutism	709.8	Papules	959.9	Traumatic Injury
998.3	Dehiscence of Wound	780.8	Hyperhidrosis	696.2	Parapsoriasis	110.9	Tinea Dermatophytosis
691.8	Dermatitis, Atopic	757.1	Ichthyosis	681.9	Paronychia	110.1	Tinea, Nails
692.9	Dermatitis, Contact	694.0	Impetigo	729.90	Panniculitis	110.3	Tinea Versicolor
691.8	Dermatitis, Herpetiformis	685.89	Intertrigo	132.9	Pediculosis	707.9	Ulcer, Cutaneous
695.3	Dermatitis, Perioral	701.4	Keloid	694.4	Pemphigus	708.9	Urticaria
692.79	Dermatitis, Photo	702	Keratosis, Actinic	694.5	Pemphigoid	287.0	Vasculitis
692.89	Dermatitis, Pustulosa	757.39	Keratosis, Follicularis	709.0	Pigmentation	078.1	Verruca Vari
690.__	Dermatitis, Seborrheic	757.39	Keratosis, Palmo	696.5	Pityriasis Alba	057.9	Viral Exanthem
424.1	Dermatitis, Stasis	702.1	Keratosis, Seborrheic	696.3	Pityriasis Rosea	709.9	Vitiligo
216.9	Dermatofibroma	709.3	Lentigo	696.4	Pityriasis Rubra Pilaris	272.2	Xanthoma
695.2	Drug Eruption	709.8	Lesion, Der	277.1	Porphyria	704.8	Xerosis
705.81	Dyshidrosis, Eczema	697.0	Lichen Plan	053.19	Post Herpetic Neuralgia		

DATE OF LAST PAYMENT

PREVIOUS BALANCE	INSURANCE	PAT
TODAY'S CHARGES		
PAID ON ACCOUNT		
CC CHECK CASH		
TOTAL DUE		

FOLLOW-UP

____ ☐ days
____ ☐ week
____ ☐ month
__1__ ☐ year

☒ sooner pin problem
☐ will call with lab result
☐ refer to: _____

PA-157

ID # 65-047-2343
BS #08431

CATHY P. MILAM, M.D., P.A.
dermatology
dermatologic surgery

1515 S. OSPREY AVENUE, SI
SARASOTA, FLORIDA 34
(813) 364-8220

GUARANTOR NAME AND ADDRESS	PATIENT NO.	PATIENT NAME	DR NO.	DATE
MIKE (HARRY) SCHMITT 7211 CAPTAIN KIDD AVE SARASOTA FL 34231	4784	MIKE (HARRY) SCHMITT	1	03/22/

PATIENT'S SEX	MARITAL STATUS	DATE OF BIRTH	AGE	TELEPHONE NO.	INSURANCE CODE	EMPLOYMENT STATUS
M		08/06/60	34	923-2253		

OFFICE VISITS

	New	Consult	Estab.
BRIEF	☐ 99201	☐ 99241	☐ 99211
LIMITED	☐ 99202	☐ 99242	☐ 99212
INTERMEDIATE	☐ 99203	☐ 99243	☐ 99213
EXTENDED	☐ 99204	☐ 99244	☐ 99214
COMPREHENSIVE	☐ 99205	☐ 99245	☐ 99215
POST-OP			☐ 99024

MINOR SURGERY

I & D SIMPLE, SINGLE	☐ 10060
I & D COMPLICATED, MULTIPLE	☐ 10061
I & D ABSCESS	☐ 10060
ACNE SURGERY	☐ 10040
DRAINAGE PARONYCHIA	☐ 10120
FOREIGN BODY, REMOVAL	☐ 10120
BIOPSY	☐ 11100
BIOPSY, EACH ADDITIONAL	☐ 11101
EXTERNAL EAR	☐ 69100
EYELID	☐ 67810
LIP	☐ 40490
PENIS	☐ 54100

BENIGN DESTRUCTION

FACIAL OR PREMALIGNANT LESION	☐ 17000
2ND & 3RD LESIONS, EACH	☐ 17001
OVER 3 LESIONS, EACH	☐ 17002
BENIGN LESIONS, EXCEPT FACE	☐ 17100
SECOND LESIONS	☐ 17101
OVER 2 LESIONS, TO 15	☐ 17102
FLAT WARTS, MULLOSCUM, MILIA	☐ 17110
EXCISION, SKIN TAGS	☐ 11200
EACH ADDITIONAL 10	☐ 11201
CRYOSURGERY	☐ 17340

BENIGN SHAVE EXCISIONS

Shaving of epidermal or dermal lesion, single lesion:

TRUNK, ARMS, OR LEGS; lesion diameter:

0.5 cm or less	☐ 11300
0.6 to 1.0 cm	☐ 11301
1.1 to 2.0 cm	☐ 11302
OVER 2.0 cm	☐ 11303

SCALP, NECK, HANDS, FEET:

0.5 cm or less	☐ 11305
0.6 to 1.0 cm	☐ 11306
1.1 to 2.0 cm	☐ 11307
OVER 2.0 cm	☐ 11308

FACE, EARS, EYELIDS, NOSE, LIPS, MUCOUS MEMBRANE:

0.5 cm or less	☐ 11310
0.6 to 1.0 cm	☐ 11311
1.1 to 2.0 cm	☐ 11312
OVER 2.0 cm	☐ 11313

DESTRUCTION MALIGNANT LESION

TRUNK, ARMS, LEGS:

0.5 cm or less	☐ 17260
0.6 to 1.0 cm	☐ 17261
1.1 to 2.0 cm	☐ 17262
2.1 to 3.0 cm	☐ 17263
3.1 to 4.0 cm	☐ 17264
OVER 4.0 cm	☐ 17266

SCALP, NECK, HANDS, FEET, GENITALIA:

0.5 cm or less	☐ 17270
0.6 to 1.0 cm	☐ 17271
1.1 to 2.0 cm	☐ 17272
2.1 to 3.0 cm	☐ 17273
3.1 to 4.0 cm	☐ 17274
OVER 4.0 cm	☐ 17276

FACE, EARS, EYELIDS, NOSE, LIPS:

0.5 cm or less	☐ 17280
0.6 to 1.0 cm	☐ 17281
1.1 to 2.0 cm	☐ 17282
2.1 to 3.0 cm	☐ 17283
3.1 to 4.0 cm	☐ 17284
OVER 4.0 cm	☐ 17286

EXCISIONS

TRUNK, ARMS, LEGS	Benign	Malignant
TO 0.5 cm	☐ 11400	☐ 11600
0.6 – 1.0 cm	☐ 11401	☐ 11601
1.1 – 2.0 cm	☐ 11402	☐ 11602
2.1 – 3.0 cm	☐ 11403	☐ 11603
3.1 – 4.0 cm	☐ 11404	☐ 11604
OVER 4.0 cm	☐ 11406	☐ 11606

SCALP, NECK, HANDS, FEET, GENITALIA		
TO 0.5 cm	☐ 11420	☐ 11620
0.6 – 1.0 cm	☐ 11421	☐ 11621
1.1 – 2.0 cm	☐ 11422	☐ 11622
2.1 – 3.0 cm	☐ 11423	☐ 11623
3.1 – 4.0 cm	☐ 11424	☐ 11624
OVER 4.0 cm	☐ 11426	☐ 11626

PROCEDURE CODE

FACE, EYELIDS, EARS, NOSE, LIPS, MUCOUS MEMBR

TO 0.5 cm	☐ 11440 ☐ 11640
0.6 – 1.0 cm	☐ 11441 ☐ 11641
1.1 – 2.0 cm	☐ 11442 ☐ 11642
2.1 – 3.0 cm	☐ 11443 ☐ 11643
3.1 – 4.0 cm	☐ 11444 ☐ 11644
OVER 4.0 cm	☐ 11446 ☐ 11646

WOUND REPAIR

SCALP, AXILLAE, TRUNK, EXTR

2.5 cm or less	☐ 12031
2.5 to 7.5 cm	☐ 12032

NECK, HANDS, FEET, GENITALS:

2.5 cm or less	☐ 12041
2.6 – 7.5 cm	☐ 12042

FACE, EARS, NOSE, LIPS:

2.5 cm or less	☐ 12051
2.6 – 5.0 cm	☐ 12052
5.1 – 7.5 cm	☐ 12053

TRUNK: 1.1 – 2.5 cm ☐ 12052

2.6 – 7.5 cm	☐ 13100
SCALP, ARMS, LEGS: 1.1 – 2.5 cm	☐ 13101
2.6 – 7.5 cm	☐ 13120
FOREHEAD, CHEEKS, CHIN, NECK, HANDS, FEET:	☐ 13121
1.1 – 2.5 cm	☐ 13131
2.6 – 7.5 cm	☐ 13132
EYELIDS, NOSE, EARS, LIPS: 1.6 or less	☐ 13150
1.1 – 2.5 cm	☐ 13151
2.6 – 7.5 cm	☐ 13152

WOUND REPAIR, COMPLICATED

ADJACENT TISSUE TRANSFER OR REARRANGEMENT	☐ 13300
TRUNK to 10 sq. cm	☐ 14000
SCALP, ARMS, LEGS, to 10 sq. cm	☐ 14020
FOREHEAD, CHEEKS, CHIN, MOUTH, NECK, AXILLAE, GENITALIA, HANDS, FEET to 10 sq. cm	☐ 14040
EYELIDS, NOSE, EARS, LIPS	☐ 14060

MISCELLANEOUS

KOH	☐ 87220
INTRALESIONAL INJECTIONS	☐ 11900
INTRAMUSCULAR INJECTION	☐ 90782
LEG VEIN INJECTION	☐ J3301
DESTRUCTION OF LESION, ARMS	☐ 36468
DESTRUCTION OF LESION, PENIS	☐ 46900
	☐ 64050

DIAGNOSIS		DIAGNOSIS		DIAGNOSIS		DIAGNOSIS	
706.1	Acne	708.9	Eczema, Xerotic	701.0	Lichen Sclerosa & Atrophicus	698.9	Pruritus
704.00	Alopecia	035.	Erysipelas	214.	Lipoma	696.1	Psoriasis
701.9	Anhidrosis	695.1	Erythema Multiforme	695.4	Lupus Erythematosus	287.2	Purpura
2382	Atypical Nevus	695.2	Erythema Nodosum	202.8	Lymphoma	709.0	Purpura, Progressive
173.	Basal Cell Ca	695.3	Erythema, Unspecified	782.2	Mack, Subcut	686.0	Pyoderma
919.4	Bite, Insect	007.0	Erythrasma	757.33	Maculocyanosis	686.1	Pyogenic Granuloma
949.0	Burn	695.9	Erythroderma	172.	Melanoma	695.3	Rosacea
112.3	Candidiasis	373.32	Eyelid Dermatitis	705.1	Miliaria	135.	Sarcoidosis
528.2	Canker Sore	701.8	Facial Elastosis	706.2	Milium	133.9	Scabies
682.9	Cellulitis, Abscess	704.8	Folliculitis	078.0	Molluscum Contagiosum	709.2	Scar
692.79	Cheilitis, Actinic	709.4	Foreign Body	701.0	Morphea	710.1	Scleroderma
052.9	Chicken Pox	685.09	Granuloma Annulare	700.9	Nail Disease	287.2	Senile Purpura
380.00	Chondrodermatitis	228.01	Hemangioma	216.	Neoplasm, Skin	701.9	Skin Tags
700.0	Corn/Callus	054.9	Herpes Simplex	658.3	Neurodermatitis	173.	Squamous Cell Carcinoma
702.9	Cutaneous Horn	053.9	Herpes Zoster-Varicella	215.9	Nevus/Nevus	692.71	Sunburn
126.9	Cut. Larval Migrans	705.83	Hidradenitis	216.	Nevus Cell Nevus	448.9	Telangiectasia
706.2	Cyst, Epidermal	704.1	Hirsutism	709.8	Papules	959.9	Traumatic Injury
998.3	Dehiscence of Wound	780.8	Hyperhidrosis	696.2	Parapsoriasis	110.9	Tinea Dermatophytosis
691.8	Dermatitis, Atopic	757.1	Ichthyosis	681.9	Paronychia	110.1	Tinea, Nails
692.9	Dermatitis, Contact	684.0	Impetigo	709.30	Pemphigoid	110.0	Tinea Versicolor
694.0	Dermatitis, Herpetiformis	695.89	Intertrigo	122.9	Pediculosis	707.9	Ulcer, Cutaneous
695.3	Dermatitis, Perioral	701.4	Keloid	694.4	Pemphigus	708.9	Urticaria
692.79	Dermatitis, Photo	702.	Keratosis, Actinic	694.5	Pemphigoid	287.0	Vasculitis
692.89	Dermatitis, Radiation	757.39	Keratosis, Follicularis	705.0	Pityriasis	078.1	Verruca Wart
690.	Dermatitis, Seborrheic	757.39	Keratosis, Palaris	696.5	Pityriasis Alba	057.9	Viral Exanthem
454.1	Dermatitis, Stasis	702.1	Keratosis, Seborrheic	696.3	Pityriasis Rosea	709.9	Vitiligo
216.9	Dermatofibroma	709.0	Lentigo	695.4	Pityriasis Rubra Pilaris	272.2	Xanthoma
995.2	Drug Eruptive	705.9	Lesion, Dermal	277.1	Porphria	706.9	Xerosis
705.81	Dyshidrotic Eczema	697.0	Lichen Planus	053.19	Post Herpetic Neuralgia		

DATE OF LAST PAYMENT
09/23/94

PREVIOUS BALANCE	INSURANCE	PATI
	.00	
		58
		58
		0

FOLLOW-UP

_____ ☐ days
_____ ☐ week
_____ ☐ month
__1__ ☐ year
☐ sooner prn problem
☐ will call with lab result
☐ refer to _____

SG/VT 4[21658 050693

CATHY P. MILAM, M.D., P.A.
dermatology
dermatologic surgery

1515 S. OSPREY AVENUE, SUITE
SARASOTA, FLORIDA 34239
(813) 364-8220

65-047-2343
#08431

NAME AND ADDRESS	PATIENT NO.	PATIENT NAME	DR. NO.	DATE
MIKE (HARRY) SCHMITT 211 CAPTAIN KIDD AVE SARASOTA FL 34231	4784	MIKE (HARRY) SCHMITT	1	04/17/95

PROC. OF SER.	CODES	DATE OF BIRTH	TELEPHONE NO.	DESCRIPTION	INSURANCE CERTIFICATE NUMBER
11		08/06/60	923-2253		

OFFICE VISITS

	New	Consult	Estab.
BRIEF	☐ 99201	☐ 99241	☐ 99211
LIMITED	☐ 99202	☐ 99242	☐ 99212
INTERMEDIATE	☐ 99203	☐ 99243	☐ 99213
EXTENDED	☐ 99204	☐ 99244	☐ 99214
COMPREHENSIVE	☐ 99205	☐ 99245	☐ 99215
FOLLOW-UP			☐ 99024

MINOR SURGERY

ABSCESS, SIMPLE, SINGLE	☐ 10060
ABSCESS, COMPLICATED, MULTIPLE	☐ 10061
ABSCESS	☐ 10040
SURGERY	☐ 10040
FOREIGN PARONYCHIA	☐ 10120
FOREIGN BODY REMOVAL	☐ 10120
BIOPSY	☐ 11100
BIOPSY, EACH ADDITIONAL	☐ 11101
EXTERNAL EAR	☐ 69109
PLUG	☐ 69210
	☐ 40490
CYST	☐ 54100

BENIGN: DESTRUCTION

FACIAL OR PREMALIGNANT LESION	☐ 17000
2 & 3RD LESIONS, EACH	☐ 17001
OVER 3 LESIONS, EACH	☐ 17002
BENIGN LESIONS, EXCEPT FACE	☐ 17100
2ND LESIONS	☐ 17101
OVER 2 LESIONS, TO 15	☐ 17102
PLANT WARTS, MULLOSCUM, MILIA	☐ 17110
LESION, SKIN TAGS	☐ 11200
EACH ADDITIONAL 10	☐ 11201
BLEPHAROPLASTY	☐ 17340

BENIGN SHAVE EXCISIONS

Shaving of epidermal or dermal lesion, single lesion;	
TRUNK, ARMS, OR LEGS; lesion diameter:	
0.5 cm or less	☐ 11300
0.6 to 1.0 cm	☐ 11301
1.1 to 2.0 cm	☐ 11302
OVER 2.0 cm	☐ 11303
SCALP, NECK, HANDS, FEET:	
0.5 cm or less	☐ 11305
0.6 to 1.0 cm	☐ 11306
1.1 to 2.0 cm	☐ 11307
OVER 2.0 cm	☐ 11309

FACE, EARS, EYELIDS, NOSE, LIPS, MUCOUS MEMBRANE:	
0.5 cm or less	☐ 11310
0.6 to 1.0 cm	☐ 11311
1.1 to 2.0 cm	☐ 11312
OVER 2.0 cm	☐ 11313

DESTRUCTION MALIGNANT LESION

TRUNK, ARMS, LEGS:	
0.5 cm or less	☐ 17260
0.6 to 1.0 cm	☐ 17261
1.1 to 2.0 cm	☐ 17262
2.1 to 3.0 cm	☐ 17263
3.1 to 4.0 cm	☐ 17264
OVER 4.0 cm	☐ 17266
SCALP, NECK, HANDS, FEET, GENITALIA:	
0.5 cm or less	☐ 17270
0.6 to 1.0 cm	☐ 17271
1.1 to 2.0 cm	☐ 17272
2.1 to 3.0 cm	☐ 17273
3.1 to 4.0 cm	☐ 17274
OVER 4.0 cm	☐ 17276
FACE, EARS, EYELIDS, NOSE, LIPS:	
0.5 cm or less	☐ 17280
0.6 to 1.0 cm	☐ 17281
1.1 to 2.0 cm	☐ 17282
2.1 to 3.0 cm	☐ 17283
3.1 to 4.0 cm	☐ 17284
OVER 4.0 cm	☐ 17286

EXCISIONS

TRUNK, ARMS, LEGS	Benign	Malignant
TO 0.5 cm	☐ 11400	☐ 11600
0.6 – 1.0 cm	☐ 11401	☐ 11601
1.1 – 2.0 cm	☐ 11402	☐ 11602
2.1 – 3.0 cm	☐ 11403	☐ 11603
3.1 – 4.0 cm	☐ 11404	☐ 11604
OVER 4.0 cm	☐ 11406	☐ 11605
SCALP, NECK, HANDS, FEET, GENITALIA		
TO 0.5 cm	☐ 11420	☐ 11620
0.6 – 1.0 cm	☐ 11421	☐ 11621
1.1 – 2.0 cm	☐ 11422	☐ 11622
2.1 – 3.0 cm	☐ 11423	☐ 11623
3.1 – 4.0 cm	☐ 11424	☐ 11624
OVER 4.0 cm	☐ 11426	☐ 11626

FACE, EYELIDS, EARS, NOSE, LIPS, MUCOUS MEMBRANES		
TO 0.5 cm	☐ 11440	☐ 11640
0.6 – 1.0 cm	☐ 11441	☐ 11641
1.1 – 2.0 cm	☐ 11442	☐ 11642
2.1 – 3.0 cm	☐ 11443	☐ 11643
3.1 – 4.0 cm	☐ 11444	☐ 11644
OVER 4.0 cm	☐ 11446	☐ 11646

WOUND REPAIR

SCALP, AXILLAE, TRUNK, EXTR	
2.5 cm or less	☐ 12031
2.5 to 7.5 cm	☐ 12032
NECK, HANDS, FEET, GENITALS:	
2.5 cm or less	☐ 12041
2.6 – 7.5 cm	☐ 12042
FACE, EARS, NOSE, LIPS:	
2.5 cm or less	☐ 12051
2.6 – 5.0 cm	☐ 12052
5.1 – 7.5 cm	☐ 12053
TRUNK: 1.1 – 2.5 cm	☐ 13100
2.6 – 7.5 cm	☐ 13101
SCALP, ARMS, LEGS: 1.1 – 2.5 cm	☐ 13120
2.6 – 7.5 cm	☐ 13121
FOREHEAD, CHEEKS, CHIN, NECK, HANDS, FEET:	
1.1 – 2.5 cm	☐ 13131
2.6 – 7.5 cm	☐ 13132
EYELIDS, NOSE, EARS, LIPS: 1.6 or less	☐ 13150
1.1 – 2.5 cm	☐ 13151
2.6 – 7.5 cm	☐ 13152
WOUND REPAIR, COMPLICATED	☐ 13300

ADJACENT TISSUE TRANSFER OR REARRANGEMENT

TRUNK to 10 sq. cm	☐ 14000
SCALP, ARMS, LEGS, to 10 sq. cm	☐ 14020
FOREHEAD, CHEEKS, CHIN, MOUTH, NECK, AXILLAE, GENITALIA, HANDS, FEET to 10 sq. cm	☐ 14040
EYELIDS, NOSE, EARS, LIPS	☐ 14060

MISCELLANEOUS

KOH	☐ 87220
INTRALESIONAL INJECTIONS	☐ 11900
	☐ 90782
INTRAMUSCULAR INJECTION	☐ 90801
LEG VEIN INJECTION	☐ 36469
DESTRUCTION OF LESION, ANUS	☐ 46900
DESTRUCTION OF LESION, PENIS	☐ 54050

DIAGNOSIS		DIAGNOSIS		DIAGNOSIS		DIAGNOSIS	
.1 Acne	706.0	Eczema, Xerotic	701.8	Ulcer, Schroeus Et Kraptsus	698.9	Pruritus	
.00 Alopecia	035.	Erysipelas	214.	Lipoma	696.1	Psoriasis	
.9 Atrophoderma	695.1	Erythema Multiforme	695.4	Lupus Erythematosus	287.2	Purpura	
.2 Atypical Nevus	035.2	Erythema Nodosum	202.8	Lymphoma	709.0	Purpura, Progressive	
Basal Cell Ca	695.9	Erythema, Unspecified	782.2	Mass, Subcut	686.0	Pyoderma	
.4 Bite, Insect	039.0	Erythrasma	757.33	Mastocytosis	695.1	Pyogen's Granuloma	
.0 Burn	695.0	Erythroderma	172.	Melanoma	695.3	Rosacea	
.9 Candidiasis	373.32	Eyelid Dermatitis	705.1	Miliaria	135.	Sarcoidosis	
.2 Canker Sore	701.8	Facial Elastosis	706.2	Milium	133.0	Scabies	
.9 Cellulitis, Abscess	784.8	Folliculitis	078.0	Molluscum Contagiosum	709.2	Scar	
.79 Chelitis, Actinic	709.4	Foreign Body	701.0	Morphea	710.1	Scleroderma	
.9 Chicken Pox	695.89	Granuloma Annulare	703.9	Nail Disease	287.2	Senile Purpura	
.00 Chondrodermatitis	238.01	Hemangioma	216.	Neoplasm, Skin	701.9	Skin Tags	
.0 Corn/Callus	054.9	Herpes Simplex	698.3	Neurodermatitis	173.	Squamous Cell Carcinoma	
.9 Cutaneous Horn	053.9	Herpes Zoster-Varicella	215.9	Neurofibroma	692.71	Sunburn	
.5 Cut Larval Migrans	705.89	Hidradenitis	216.	Nevus Cell Nevus	448.9	Telangiectasia	
.2 Cyst, Epidermal	734.1	Hirsutism	703.8	Papules	959.9	Traumatic Injury	
.5 Dehiscence of Wound	780.6	Hyperhidrosis	698.2	Parapsoriasis	110.9	Tinea Dermatophytosis	
.3 Dermatitis, Atopic	757.1	Ichthyosis	691.9	Pauschy'd	110.1	Tinea, Nails	
.9 Dermatitis, Contact	694.0	Impetigo	729.30	Panniculitis	110.9	Tinea Versicolor	
.8 Dermatitis, Herpetiformis	695.89	Intertrigo	132.9	Pediculosis	707.9	Ulcer, Cutaneous	
.5 Dermatitis, Perioral	701.4	Keloid	694.4	Pemphigus	708.9	Urticaria	
.79 Dermatitis, Photo	702.	Keratosis, Actinic	694.5	Pemphigoid	287.0	Vasculitis	
.89 Dermatitis, Radiation	757.39	Keratosis, Follicularis	709.9	Pigmentation	078.1	Verruca Wart	
.1 Dermatitis, Seborrheic	757.39	Keratosis, Palaris	696.5	Pityriasis Alba	057.9	Viral Exanthem	
.81 Dermatitis, Stasis	702.1	Keratosis, Seborrheic	635.5	Pityriasis Rosea	709.0	Vitiligo	
.18 Dermatofibroma	709.0	Lentigo	695.4	Pityriasis Rubra Pilaris	272.2	Xanthoma	
.12 Drug Eruption	708.9	Lesion, Dermal	277.1	Porphyria	708.1	Xerosis	
.181 Dyshidrotic Eczema	697.0	Lichen Planus	053.19	Post Herpetic Neuralgia			

DATE OF LAST PAYMENT 03/22/95

PREVIOUS BALANCE	INSURANCE	PATIENT
TODAY'S CHARGES		99.00
TOTAL		49.00
PAYMENTS		
TOTAL DUE		0

FOLLOW-UP

- ☐ _____ days
- ☐ _____ week
- ☐ _____ month
- ☐ _____ year
- ☐ sooner prn problem
- ☐ will call with lab result
- ☐ refer to _____

JVT 421658 050693

PA-159

ID # 65-047-2343
BS #08431

CATHY P. MILAM, M[illegible] P.A.
dermatology
dermatologic surgery

1515 S. OSPREY AVENUE, SUI
SARASOTA, FLORIDA 3423
(813) 364-0220

GUARANTOR'S NAME AND ADDRESS	PATIENT NO.	PATIENT NAME	UNIT	DATE
MIKE (HARRY) SCHMITT 7211 CAPTAIN KIDD AVE SARASOTA FL 34231	4784	MIKE (HARRY) SCHMITT	1	05/15/9

PLACE OF SERVICE	AGE	TELEPHONE NO.	GRP/PROG/ASSIGN	CERTIFICATE NUMBER
N	34	00/06/60 923-2253		

PROCEDURE	CODE	FEE	PROCEDURE	CODE	FEE	PROCEDURE	CODE

OFFICE VISITS

	New	Consult	Estab.
BRIEF	☐ 99201	☐ 99241	☐ 99211
LIMITED	☐ 99202	☐ 99242	☐ 99212
INTERMEDIATE	☐ 99203	☐ 99244	☐ 99213
EXTENDED	☐ 99204	☐ 99244	☐ 99214
COMPREHENSIVE	☐ 99205	☐ 99245	
POST-OP			☐ 99024

MINOR SURGERY

I & D SIMPLE, SINGLE	☐ 10060
I & D COMPLICATED, MULTIPLE	☐ 10061
I & D ABSCESS	☐ 10060
ACNE SURGERY	☐ 10040
DRAINAGE PARONYCHIA	☐ 10120
FOREIGN BODY REMOVAL	☐ 10120
BIOPSY	☐ 11100
BIOPSY, EACH ADDITIONAL	☐ 11101
EXTERNAL EAR	☐ 69100
EYELID	☐ 67810
LIP	☐ 40490
PENIS	☐ 54100

BENIGN DESTRUCTION

FACIAL OR PREMALIGNANT LESION	☐ 17000
2ND & 3RD LESIONS, EACH	☐ 17001
OVER 3 LESIONS, EACH	☐ 17002
BENIGN LESIONS, EXCEPT FACE	☐ 17100
SECOND LESIONS	☐ 17101
OVER 2 LESIONS, TO 15	☐ 17102
FLAT WARTS, MULLOSUM, MUA	☐ 17110
EXCISION, SKIN TAGS	☐ 11200
EACH ADDITIONAL 10	☐ 11201
CRYOSURGERY	☐ 17340

BENIGN SHAVE EXCISIONS

Shaving of epidermal or dermal lesion, single lesion

TRUNK, ARMS, OR LEGS; lesion diameter:

0.5 cm or less	☐ 11300
0.6 to 1.0 cm	☐ 11301
1.1 to 2.0 cm	☐ 11302
OVER 2.0 cm	☐ 11303

SCALP, NECK, HANDS, FEET:

0.5 cm or less	☐ 11305
0.6 to 1.0 cm	☐ 11306
1.1 to 2.0 cm	☐ 11307
OVER 2.0 cm	☐ 11308

FACE, EARS, EYELIDS, NOSE, LIPS, MUCOUS MEMBRANE:

0.5 cm or less	☐ 11310
0.6 to 1.0 cm	☐ 11311
1.1 to 2.0 cm	☐ 11312
OVER 2.0 cm	☐ 11313

DESTRUCTION MALIGNANT LESION

TRUNK, ARMS, LEGS:

0.5 cm or less	☐ 17260
0.6 to 1.0 cm	☐ 17261
1.1 to 2.0 cm	☐ 17262
2.1 to 3.0 cm	☐ 17263
3.1 to 4.0 cm	☐ 17264
OVER 4.0 cm	☐ 17266

SCALP, NECK, HANDS, FEET, GENITALIA:

0.5 cm or less	☐ 17270
0.6 to 1.0 cm	☐ 17271
1.1 to 2.0 cm	☐ 17272
2.1 to 3.0 cm	☐ 17273
3.1 to 4.0 cm	☐ 17274
OVER 4.0 cm	☐ 17276

FACE, EARS, EYELIDS, NOSE, LIPS:

0.5 cm or less	☐ 17280
0.6 to 1.0 cm	☐ 17281
1.1 to 2.0 cm	☐ 17282
2.1 to 3.0 cm	☐ 17283
3.1 to 4.0 cm	☐ 17284
OVER 4.0 cm	☐ 17286

EXCISIONS

TRUNK, ARMS, LEGS	Benign	Malignant
TO 0.5 cm	☐ 11400	☐ 11600
0.6 – 1.0 cm	☐ 11401	☐ 11601
1.1 – 2.0 cm	☐ 11402	☐ 11602
2.1 – 3.0 cm	☐ 11403	☐ 11603
3.1 – 4.0 cm	☐ 11404	☐ 11604
OVER 4.0 cm	☐ 11406	☐ 11606
SCALP, NECK, HANDS, FEET, GENITALIA		
TO 0.5 cm	☐ 11420	☐ 11620
0.6 – 1.0 cm	☐ 11421	☐ 11621
1.1 – 2.0 cm	☐ 11422	☐ 11622
2.1 – 3.0 cm	☐ 11423	☐ 11623
3.1 – 4.0 cm	☐ 11424	☐ 11624
OVER 4.0 cm	☐ 11426	☐ 11626

FACE, EYELIDS, EARS, NOSE, LIPS, MUCOUS MEMBRAN		
TO 0.5 cm	☐ 11440	☐ 11640
0.6 – 1.0 cm	☐ 11441	☐ 11641
1.1 – 2.0 cm	☐ 11442	☐ 11642
2.1 – 3.0 cm	☐ 11443	☐ 11643
3.1 – 4.0 cm	☐ 11444	☐ 11644
OVER 4.0 cm	☐ 11446	☐ 11646

WOUND REPAIR

SCALP, AXILLAR, TRUNK, EXTR

2.5 cm or less	☐ 12031
2.6 to 7.5 cm	☐ 12032

NECK, HANDS, FEET, GENITALS:

2.5 cm or less	☐ 12041
2.6 – 7.5 cm	☐ 12042

FACE, EARS, NOSE, LIPS:

2.5 cm or less	☐ 12051
2.6 – 5.0 cm	☐ 12052
5.1 – 7.5 cm	☐ 12052
TRUNK: 1.1 – 2.5 cm	☐ 13100
2.6 – 7.5 cm	☐ 13101
SCALP, ARMS, LEGS: 1.1 – 2.5 cm	☐ 13120
2.6 – 7.5 cm	☐ 13121

FOREHEAD, CHEEKS, CHIN, NECK, HANDS, FEET:

1.1 – 2.5 cm	☐ 13131
2.6 – 7.5 cm	☐ 13132
EYELIDS, NOSE, EARS, LIPS: 1.0 or less	☐ 13150
1.1 – 2.5 cm	☐ 13151
2.6 – 7.5 cm	☐ 13152

WOUND REPAIR, COMPLICATED ☐ 13300

ADJACENT TISSUE TRANSFER OR REARRANGEMENT

TRUNK to 10 sq. cm	☐ 14000
SCALP, ARMS, LEGS, to 10 sq. cm	☐ 14020
FOREHEAD, CHEEKS, CHIN, MOUTH, NECK, AXILLAR, GENITALIA, HANDS, FEET to 10 sq. cm	☐ 14040
EYELIDS, NOSE, EARS, LIPS	☐ 14060

MISCELLANEOUS

KOH	☐ 87220
INTRALESIONAL INJECTIONS	☐ 11900
	☐ 90782
INTRAMUSCULAR INJECTION	☐ J0301
I.V. PUSH INJECTION	☐ 36468
DESTRUCTION OF LESION, ANUS	☐ 46900
DESTRUCTION OF LESION, PENIS	☐ 54050

DIAGNOSIS		DIAGNOSIS		DIAGNOSIS		DIAGNOSIS	
68.1	Acne	708.8	Eczema, Xerotic	701.0	Ulcus Sclerosus Et Atrophicus	696.9	Pruritus
64.90	Alopecia	035.	Erysipelas	214.__	Lipoma	696.1	Psoriasis
01.9	Atrophoderma	695.1	Erythema Multiforme	695.4	Lupus Erythematosus	287.2	Purpura
39.2	Atypical Nevus	695.2	Erythema Nodosum	202.8 *	Lymphoma	709.0	Purpura, Progressive
73.__	Basal Cell Ca	695.9	Erythema, Unspecified	782.2	Mole, Subcut	680.0	Pyoderma
19.4	Bite, Insect	695.0	Erythrasma	757.33	Mastocytosis	686.1	Pyogenic Granuloma
49.0	Burn	695.9	Erythroderma	172.__	Melanoma	695.3	Rosacea
12.9	Candidiasis	373.32	Eyelid Dermatitis	705.1	Miliaria	135.	Sarcoidosis
28.2	Decker Sore	701.8	Facial Elastosis	706.2	Milium	133.8	Scabies
82.9	Cellulitis, Abscess	704.8	Folliculitis	078.0	Molluscum Contagiosum	709.2	Scar
92.79	Cheilitis, Actinic	709.4	Foreign Body	701.0	Morphea	710.1	Scleroderma
52.9	Chicken Pox	695.89	Granuloma Annulare	703.9	Nail Disease	287.2	Senile Purpura
80.00	Chondrodermatitis	228.01	Hemangioma	216.__	Neoplasm, Skin	701.9	Skin Tags
00.0	Corn/Callus	054.9	Herpes Simplex	698.3	Neurodermatitis	173.__	Squamous Cell Carcinoma
62.9	Cutaneous Horn	053.9	Herpes Zoster-Varicella	215.9	Neurofibroma	692.71	Sunburn
34.9	Cyst, Larval Migrans	705.83	Hidradenitis	216.__	Nevus Cell Nevus	448.9	Telangiectasia
06.2	Cyst: Epidermal	704.1	Hirsutism	709.8	Papules	959.9	Traumatic Injury
98.3	Dehiscence of Wound	709.9	Hyperhidrosis	696.2	Parapsoriasis	110.9	Tinea Dermatophytosis
61.8	Dermatitis, Atopic	757.1	Ichthyosis	697.9	Paronychia	110.1	Tinea, Nails
92.6	Dermatitis, Contact	694.0	Impetigo	729.30	Pemphigus	110.0	Tinea Versicolor
94.0	Dermatitis, Hypostasis	695.89	Intertrigo	122.9	Pediculosis	707.9	Ulcer, Cutaneous
95.3	Dermatitis, Perioral	701.4	Keloid	694.4	Pemphigus	708.8	Urticaria
92.79	Dermatitis, Phyto	702.	Keratosis, Actinic	694.5	Pemphigoid	287.0	Vasculitis
92.59	Dermatitis, Radiation	757.39	Keratosis, Follicularis	709.0	Pigmentation	078.1	Verruca Wart
06.	Dermatitis, Seborrheic	257.39	Keratosis, Pilaris	695.5	Pityriasis Alba	057.9	Viral Exanthem
54.5	Dermatitis, Stasis	702.1	Keratosis, Seborrheic	696.3	Pityriasis Rosea	709.0	Vitiligo
16.9	Dermatofibroma	708.0	Lentigo	696.4	Pityriasis Rubra Pilaris	272.2	Xanthoma
98.2	Drug Eruption	709.9	Lesion, Dermal	277.1	Porphyria	706.8 *	Xerosis
05.81	Dyshidrotic Eczema	697.0	Lichen Planus	053.19	Post Herpetic Neuralgia		

DATE OF LAST PAYMENT 04/17/95

	INSURANCE	PATIE
[illegible]	.00	
[illegible]		49
[illegible]		49
[illegible]		
TOTALS		Ø

FOLLOW-UP

_____ ☐ days
_____ ☐ week
_____ ☐ month
__1__ ☐ year
☒ sooner prn problem
☐ will call with lab result
☐ refer to _____

SIVI 4/21/58 05093

RA-160

CATHY P. MILAM, M.D., P.A.
dermatology
dermatologic surgery

1515 S. OSPREY AVENUE, SUITE
SARASOTA, FLORIDA 34239
(941) 364-8220

) # 65-047-2343
S #08431

GUARANTOR NAME AND ADDRESS | PATIENT NO. | PATIENT NAME | DR. NO. | DATE

MRS. CHARITY SCHULTZ | 4784 | MRS. CHARITY SCHULTZ | 1 | 09/12/9

7211 CAPTAIN KIDD AVE
SARASOTA FL 34231

DATE OF BIRTH | TELEPHONE NO. | INSURANCE CODE DESCRIPTION | INSURANCE POLICY NUMBER

55 | 08/06/60 | 923-2253

PROV. GRP | PROC. | MOD. | DIAG.

OFFICE VISITS

	New	Consult	Estab.
BRIEF	☐ 99201	☐ 99241	☐ 99211
LIMITED	☐ 99202	☐ 99242	☐ 99212
INTERMEDIATE	☐ 99203	☐ 99243	☐ 99213
EXTENDED	☐ 99204	☐ 99244	☐ 99214
COMPREHENSIVE	☐ 99205	☐ 99245	
POST-OP			☐ 99024

MINOR SURGERY

I & D SIMPLE, SINGLE	☐ 10060
I & D COMPLICATED, MULTIPLE	☐ 10061
I & D ABSCESS	☐ 10063
ACNE SURGERY	☐ 10040
DRAINAGE PARONYCHIA	☐ 10060
FOREIGN BODY REMOVAL	☐ 10120
BIOPSY	☐ 11100
BIOPSY, EACH ADDITIONAL	☐ 11101
EXTERNAL EAR	☐ 69100
EYELID	☐ 67810
LIP	☐ 40490
WARTS	☐ 54100

BENIGN: DESTRUCTION

FACIAL OR PREMALIGNANT LESION	☐ 17000
2ND & 3RD LESIONS, EACH	☐ 17001
OVER 3 LESIONS, EACH	☐ 17002
BENIGN LESIONS, EXCEPT FACE	☐ 17100
(SECOND LESIONS)	☐ 17101
OVER 2 LESIONS, TO 15	☐ 17102
FLAT WARTS, MULLOSCUM, MILIA	☐ 17110
EXCISION, SKIN TAGS	☐ 11200
EACH ADDITIONAL 10	☐ 11201
CRYOSURGERY	☐ 17340

BENIGN SHAVE EXCISIONS

(shaving of epidermal or dermal lesion, single lesion; TRUNK, ARMS, OR LEGS; lesion diameter)

0.5 cm or less	☐ 11300	
0.6 to 1.0 cm	☐ 11301	
1.1 to 2.0 cm	☐ 11302	
OVER 2.0 cm	☐ 11303	
SCALP, NECK, HANDS, FEET:		
0.5 cm or less	☐ 11305	
0.6 to 1.0 cm	☐ 11306	
1.1 to 2.0 cm	☐ 11307	
OVER 2.0 cm	☐ 11308	

FACE, EARS, EYELIDS, NOSE, LIPS, MUCOUS MEMBRANE:	
0.5 cm or less	☐ 11310
0.6 to 1.0 cm	☐ 11311
1.1 to 2.0 cm	☐ 11312
OVER 2.0 cm	☐ 11313

DESTRUCTION MALIGNANT LESION

TRUNK, ARMS, LEGS:	
0.5 cm or less	☐ 17260
0.6 to 1.0 cm	☐ 17261
1.1 to 2.0 cm	☐ 17262
2.1 to 3.0 cm	☐ 17263
3.1 to 4.0 cm	☐ 17264
OVER 4.0 cm	☐ 17265
SCALP, NECK, HANDS, FEET, GENITALIA:	
0.5 cm or less	☐ 17270
0.6 to 1.0 cm	☐ 17271
1.1 to 2.0 cm	☐ 17272
2.1 to 3.0 cm	☐ 17273
3.1 to 4.0 cm	☐ 17274
OVER 4.0 cm	☐ 17276
FACE, EARS, EYELIDS, NOSE, LIPS:	
0.5 cm or less	☐ 17280
0.6 to 1.0 cm	☐ 17281
1.1 to 2.0 cm	☐ 17282
2.1 to 3.0 cm	☐ 17283
3.1 to 4.0 cm	☐ 17284
OVER 4.0 cm	☐ 17285

EXCISIONS

	Benign	Malignant
TRUNK, ARMS, LEGS		
TO 0.5 cm	☐ 11400	☐ 11600
0.6 – 1.0 cm	☐ 11401	☐ 11601
1.1 – 2.0 cm	☐ 11402	☐ 11602
2.1 – 3.0 cm	☐ 11403	☐ 11603
3.1 – 4.0 cm	☐ 11404	☐ 11604
OVER 4.0 cm	☐ 11406	☐ 11606
SCALP, NECK, HANDS, FEET, GENITALIA		
TO 0.5 cm	☐ 11420	☐ 11620
0.6 – 1.0 cm	☐ 11421	☐ 11621
1.1 – 2.0 cm	☐ 11422	☐ 11622
2.1 – 3.0 cm	☐ 11423	☐ 11623
3.1 – 4.0 cm	☐ 11424	☐ 11624
OVER 4.0 cm	☐ 11426	☐ 11626

FACE, EYELIDS, EARS, NOSE, LIPS, MUCOUS MEMBRANE		
TO 0.6 cm	☐ 11440	☐ 11640
0.6 – 1.0 cm	☐ 11441	☐ 11641
1.1 – 2.0 cm	☐ 11442	☐ 11642
2.1 – 3.0 cm	☐ 11443	☐ 11643
3.1 – 4.0 cm	☐ 11444	☐ 11644
OVER 4.0 cm	☐ 11446	☐ 11646

WOUND REPAIR

SCALP, AXILLAE, TRUNK, EXTR	
2.5 cm or less	☐ 12031
2.6 to 7.5 cm	☐ 12032
NECK, HANDS, FEET, GENITALS:	
2.5 cm or less	☐ 12041
2.6 – 7.5 cm	☐ 12042
FACE, EARS, NOSE, LIPS:	
2.5 cm or less	☐ 12051
2.6 – 5.0 cm	☐ 12052
5.1 – 7.5 cm	☐ 12052
TRUNK: 1.1 – 2.5 cm	☐ 13100
2.6 – 7.5 cm	☐ 13101
SCALP, ARMS, LEGS: 1.1 – 2.5 cm	☐ 13120
2.6 – 7.5 cm	☐ 13121
FOREHEAD, CHEEK, CHIN, NECK, HANDS, FEET:	
1.1 – 2.5 cm	☐ 13131
2.6 – 7.5 cm	☐ 13132
EYELIDS, NOSE, EARS, LIPS: 1.6 or less	☐ 13150
1.1 – 2.5 cm	☐ 13151
2.6 – 7.5 cm	☐ 13152
WOUND REPAIR, COMPLICATED	☐ 13300

ADJACENT TISSUE TRANSFER OR REARRANGEMENT

TRUNK to 10 sq. cm	☐ 14000
SCALP, ARMS, LEGS, to 10 sq. cm	☐ 14020
FOREHEAD, CHEEKS, CHIN, MOUTH, NECK, AXILLAE, GENITALIA, HANDS, FEET to 10 sq. cm	☐ 14040
EYELIDS, NOSE, EARS, LIPS	☐ 14060

MISCELLANEOUS

KOH	☐ 87220
INTRALESIONAL INJECTIONS	☐ 11900
	☐ 63782
INTRAMUSCULAR INJECTION	☐ 90001
LEG VEIN INJECTION	☐ 36468
DESTRUCTION OF LESION, ANUS	☐ 46900
DESTRUCTION OF LESION, PENIS	☐ 54053

DIAGNOSIS		DIAGNOSIS		DIAGNOSIS		DIAGNOSIS	
06.1	Acne	706.8	Eczema, Xerotic	T01.0	Ulcer Stomps & Anephlus	698.9	Pruritus
04.00	Alopecia	535.	Cryptolus	214.__	Lipoma	696.1	Psoriasis
01.9	Atrophoderma	695.1	Erythema Multiforme	695.1	Lupus Erythematosus	287.2	Purpura
08.2	Atypical Nevus	695.2	Erythema Nodosum	202.6	Lymphoma	709.0	Purpura, Progressive
73.__	Basal Cell Ca	695.9	Erythema, Unspecified	782.2	Mass, Subcut	696.0	Pyoderma
18.4	Bite, Insect	039.0	Erythrasma	757.33	Mastocytosis	686.1	Pyogenic Granuloma
49.0	Burn	695.0	Erythroderma	172.__	Melanoma	695.3	Rosacea
32.9	Candidiasis	373.32	Eyelid Dermatitis	705.1	Miliaria	135.	Sarcoidosis
25.2	Canker Sore	701.8	Facial Elastosis	706.2	Milium	133.0	Scabies
82.9	Cellulitis, Abscess	704.8	Folliculitis	078.0	Molluscum Contagiosum	709.2	Scar
92.79	Cheilitis, Actinic	709.4	Foreign Body	701.8	Morphea	713.1	Scleroderma
52.9	Chicken Pox	695.89	Granuloma Annulare	703.9	Nail Disease	287.2	Senile Purpura
80.00	Chondrodermatitis	228.01	Hemangioma	216.__	Neoplasm, Skin	701.9	Skin Tags
70.0	Corn/Callus	054.9	Herpes Simplex	698.3	Neurodermatitis	173.__	Squamous Cell Carcinoma
92.0	Cutaneous Horn	053.9	Herpes Zoster-Varicella	215.9	Neurofibroma	692.71	Sunburn
26.9	Cut. Larval Migrans	705.83	Hidradenitis	216.__	Nevus Cell Nevus	448.9	Telangiectasia
06.2	Cyst, Epidermal	704.1	Hirsutism	709.8	Papules	959.9	Traumatic Injury
98.3	Dehiscence of Wound	780.8	Hyperhidrosis	696.2	Parapsoriasis	110.9	Tinea Dermatophytosis
91.8	Dermatitis, Atopic	757.1	Ichthyosis	691.9	Perioral	110.1	Tinea, Nails
92.9	Dermatitis, Contact	684.9	Impetigo	729.30	Panniculitis	110.6	Tinea Versicolor
94.0	Dermatitis, Herpetiformis	695.89	Interdigo	132.9	Pediculosis	707.9	Ulcer, Cutaneous
95.3	Dermatitis, Perioral	701.4	Keloid	694.4	Pemphigus	708.9	Urticaria
92.79	Dermatitis, Photo	702.	Keratosis, Actinic	694.5	Pemphigoid	287.0	Vasculitis
97.89	Dermatitis, Reactive	757.39	Keratosis, Follicularis	709.0	Pigmentation	078.1	Verrucae Vulgaris
690.	Dermatitis, Seborrheic	702.20	Keratosis, Plantis	695.5	Phytosis Alba	057.9	Viral Exanthem
654.1	Dermatitis, Stasis	702.1	Keratosis, Seborrheic	695.9	Phytosis Rosea	709.0	Vitiligo
216.9	Dermatofibroma	709.0	Lentigo	696.4	Phytosis Rubra Pilaris	272.2	Xanthoma
995.2	Drug Eruption	709.8	Lesion, Dermal	277.1	Porphria	706.8	Xerosis
692.9	Dyshidrotic Eczema	697.0	Lichen Planus	053.19	Post Herpetic Neuralgia		

DATE OF LAST PAYMENT: 05/15/95

PREVIOUS BALANCE | INSURANCE | PATIENT

FOLLOW-UP:

- ☐ _____ days
- ☐ _____ week
- ☐ _____ month
- ☐ _____ year
- ☐ sooner prn problem
- ☐ will call with lab result
- ☐ refer to _____

PA-161

ID # 65-047-2343
BS #08431

CATHY P. MILAM, M[illegible] P.A.
dermatology
dermatologic surgery

1515 S. OSPREY AVENUE, SUN
SARASOTA, FLORIDA 3423[illegible]
(941) 364-8220

PATIENT NAME AND ADDRESS
MIKE (HARRY) SCHMITT
7211 CAPTAIN KIDD AVE
SARASOTA FL 34231

PATIENT NO. 4784 | PATIENT NAME MIKE (HARRY) SCHMITT | ID NO. 1 | DATE 12/29/[illegible]

DATE OF BIRTH 08/06/60 | PHONE 923-2253 | INSURANCE | SOC. SEC. NO. | EMPLOYER

PROC. CODE | DESCRIPTION | CODE | FEE

OFFICE VISITS

	New	Consult	Estab.
BRIEF	☐ 99201	☐ 99241	☐ 99211
LIMITED	☐ 99202	☐ 99242	☐ 99212
INTERMEDIATE	☐ 99203	☐ 99243	☐ 99213
EXTENDED	☐ 99204	☐ 99244	☐ 99214
COMPREHENSIVE	☐ 99205	☐ 99245	
POST-OP			☐ 99024

MINOR SURGERY

I & D SIMPLE, SINGLE	☐ 10060
I & D COMPLICATED, MULTIPLE	☐ 10061
I & D ABSCESS	☐ 10060
ACNE SURGERY	☐ 10040
DRAINAGE PARONYCHIA	☐ 10060
FOREIGN BODY REMOVAL	☐ 10120
BIOPSY	☐ 11100
BIOPSY, EACH ADDITIONAL	☐ 11101
EXTERNAL EAR	☐ 69100
EYELID	☐ 67810
LIP	☐ 40490
PENIS	☐ 54100

BENIGN DESTRUCTION

FACIAL OR PREMALIGNANT LESION	☐ 17000
2ND & 3RD LESIONS, EACH	☐ 17001
OVER 3 LESIONS, EACH	☐ 17002
BENIGN LESIONS, EXCEPT FACE	☐ 17100
SECOND LESIONS	☐ 17101
OVER 2 LESIONS, TO 15	☐ 17102
FLAT WARTS, MULLOSCUM, MILIA	☐ 17110
EXCISION, SKIN TAGS	☐ 11200
EACH ADDITIONAL 10	☐ 11201
CRYOSURGERY	☐ 17340

BENIGN SHAVE EXCISIONS
Shaving of epidermal or dermal lesion, single lesion
TRUNK, ARMS, OR LEGS; lesion diameter:

0.5 cm or less	☐ 11300
0.6 to 1.0 cm	☐ 11301
1.1 to 2.0 cm	☐ 11302
OVER 2.0 cm	☐ 11303

SCALP, NECK, HANDS, FEET:

0.5 cm or less	☐ 11305
0.6 to 1.0 cm	☐ 11306
1.1 to 2.0 cm	☐ 11307
OVER 2.0 cm	☐ 11308

FACE, EARS, EYELIDS, NOSE, LIPS, MUCOUS MEMBRANE:

0.5 cm or less	☐ 11310
0.6 to 1.0 cm	☐ 11311
1.1 to 2.0 cm	☐ 11312
OVER 2.0 cm	☐ 11313

DESTRUCTION MALIGNANT LESION

TRUNK, ARMS, LEGS:

0.5 cm or less	☐ 17260
0.6 to 1.0 cm	☐ 17261
1.1 to 2.0 cm	☐ 17262
2.1 to 3.0 cm	☐ 17263
3.1 to 4.0 cm	☐ 17264
OVER 4.0 cm	☐ 17265

SCALP, NECK, HANDS, FEET, GENITALIA:

0.5 cm or less	☐ 17270
0.6 to 1.0 cm	☐ 17271
1.1 to 2.0 cm	☐ 17272
2.1 to 3.0 cm	☐ 17273
3.1 to 4.0 cm	☐ 17274
OVER 4.0 cm	☐ 17276

FACE, EARS, EYELIDS, NOSE, LIPS:

0.5 cm or less	☐ 17280
0.6 to 1.0 cm	☐ 17281
1.1 to 2.0 cm	☐ 17282
2.1 to 3.0 cm	☐ 17283
3.1 to 4.0 cm	☐ 17284
OVER 4.0 cm	☐ 17286

EXCISIONS

TRUNK, ARMS, LEGS

	Benign	Malignant
TO 0.5 cm	☐ 11400	☐ 11600
0.6 – 1.0 cm	☐ 11401	☐ 11601
1.1 – 2.0 cm	☐ 11402	☐ 11602
2.1 – 3.0 cm	☐ 11403	☐ 11603
3.1 – 4.0 cm	☐ 11404	☐ 11604
OVER 4.0 cm	☐ 11406	☐ 11606

SCALP, NECK, HANDS, FEET, GENITALIA

TO 0.5 cm	☐ 11420	☐ 11620
0.6 – 1.0 cm	☐ 11421	☐ 11621
1.1 – 2.0 cm	☐ 11422	☐ 11622
2.1 – 3.0 cm	☐ 11423	☐ 11623
3.1 – 4.0 cm	☐ 11424	☐ 11624
OVER 4.0 cm	☐ 11426	☐ 11626

FACE, EYELIDS, EARS, NOSE, LIPS, MUCOUS MEMBRAN

TO 0.5 cm	☐ 11440	☐ 11640
0.6 – 1.0 cm	☐ 11441	☐ 11641
1.1 – 2.0 cm	☐ 11442	☐ 11642
2.1 – 3.0 cm	☐ 11443	☐ 11643
3.1 – 4.0 cm	☐ 11444	☐ 11644
OVER 4.0 cm	☐ 11446	☐ 11646

WOUND REPAIR

SCALP, AXILLAE, TRUNK, EXTR

2.5 cm or less	☐ 12031
2.5 to 7.5 cm	☐ 12032

NECK, HANDS, FEET, GENITALIA

2.5 cm or less	☐ 12041
2.6 – 7.5 cm	☐ 12042

FACE, EARS, NOSE, LIPS:

2.5 cm or less	☐ 12051
2.6 – 5.0 cm	☐ 12052
5.1 – 7.5 cm	☐ 12053

TRUNK: 1.1 – 2.5 cm ☐ 13100
2.6 – 7.5 cm ☐ 13101

SCALP, ARMS, LEGS: 1.1 – 2.5 cm ☐ 13120
2.6 – 7.5 cm ☐ 13121

FOREHEAD, CHEEKS, CHIN, NECK, HANDS, FEET:

1.1 – 2.5 cm	☐ 13131
2.6 – 7.5 cm	☐ 13132

EYELIDS, NOSE, EARS, LIPS: 1.0 or less ☐ 13150
1.1 – 2.5 cm ☐ 13151
2.6 – 7.5 cm ☐ 13152

WOUND REPAIR, COMPLICATED ☐ 13300

ADJACENT TISSUE TRANSFER OR REARRANGEMENT

TRUNK to 10 sq. cm	☐ 14000
SCALP, ARMS, LEGS, to 10 sq. cm	☐ 14020
FOREHEAD, CHEEKS, CHIN, MOUTH, NECK, AXILLAE, GENITALIA, HANDS, FEET to 10 sq. cm	☐ 14040
EYELIDS, NOSE, EARS, LIPS	☐ 14060

MISCELLANEOUS

KOH	☐ 87220
INTRALESIONAL INJECTIONS	☐ 11900
INTRAMUSCULAR INJECTION	☐ 90782
I.V. PUSH INJECTION	☐ 90801
DESTRUCTION OF LESION, ANUS	☐ 46900
DESTRUCTION OF LESION, PENIS	☐ 54050

DIAGNOSIS		DIAGNOSIS		DIAGNOSIS		DIAGNOSIS	
701.1	Acne	706.8	Eczema, Xerotic	701.0	Ulcer Sclerosa @ Ampulla	696.0	Psoriasis
704.00	Alopecia	035.	Erysipelas	214.	Lipoma	696.1	Psoriasis
216.9	Atrophoderma	695.1	Erythema Multiforme	695.4	Lupus Erythematosus	287.2	Purpura
448.2	Atypical Nevus	695.2	Erythema Nodosum	202.8	Lymphoma	709.0	Purpura, Progressive
173.	Basal Cell Ca	695.3	Erythema, Unspecified	782.2	Mark, Birthmark	684.0	Pyoderma
239.4	Bite, Insect	695.0	Erythema of	757.33	Melanocytosis	686.1	Pyogenic Granuloma
709.0	Burn	695.9	Erythroderma	172.	Melanoma	695.3	Rosacea
173.9	Cardidasia	373.32	Eyelid Dermatitis	705.1	Milaria	135.	Sarcoidosis
782.1	Canker Sore	701.8	Facial Elastosis	705.2	Milium	133.0	Scabies
686.0	Cellulitis, Abscess	704.8	Folliculitis	078.0	Molluscum Contagiosum	709.2	Scar
692.70	Cheilitis, Actinic	702.4	Foreign Body	701.0	Morphea	710.1	Scleroderma
052.9	Chicken Pox	693.89	Granuloma Annulare	703.9	Nail Disease	287.2	Senile Purpura
440.00	Chondrodermatitis	228.01	Hemangioma	216.	Neoplasm, Skin	701.9	Skin Tags
700.9	Corn/Callus	054.9	Herpes Simplex	698.3	Neurodermatitis	173.	Squamous Cell Carcinoma
692.9	Cutaneous Horn	053.9	Herpes Zoster-Varicella	216.9	Neurofibroma	692.71	Sunburn
198.3	Cyst, Epidermoid	706.00	Hidradenitis	216.	Nevus Cell Nevus	448.9	Telangiectasia
706.2	Cyst, Epidermal	704.1	Hirsutism	709.8	Papule	959.9	Traumatic Injury
198.3	Dehiscence, Wound	783.8	Hyperhidrosis	698.2	Parapsoriasis	110.3	Tinea Dermatophytosis
692.8	Dermatitis, Allergic	757.1	Ichthyosis	697.9	Perionychia	110.1	Tinea, Nails
692.9	Dermatitis, Contact	684.0	Impetigo	728.30	Panniculitis	110.0	Tinea Versicolor
704.0	Dermatitis, Herpetiformis	696.89	Intertrigo	132.9	Pediculosis	707.9	Ulcer, Cutaneous
692.3	Dermatitis, Perioral	701.4	Keloid	694.4	Pemphigus	709.9	Urticaria
692.79	Dermatitis, Photo	702.	Keratosis, Actinic	694.5	Pemphigoid	287.8	Vasculitis
692.89	Dermatitis, Radiation	757.39	Keratosis, Follicularis	709.3	Pigmentation	078.1	Verruca Vulgaris
0.	Dermatitis, Seborrheic	757.39	Keratosis, Pilaris	696.5	Pityriasis Alba	057.9	Viral Exanthem
692.1	Dermatitis, Stasis	702.1	Keratosis, Seborrheic	696.3	Pityriasis Rosea	709.0	Vitiligo
698.9	Dermatofibroma	709.0	Lentigo	696.4	Pityriasis Rubra Pilaris	272.2	Xanthoma
692.2	Drug Eruption	709.1	Lesion, Dermal	277.1	Porphyria	706.8	Xerosis
693.1	Dyshidrotic Eczema	697.0	Lichen Planus	053.19	Post Herpetic Neuralgia		

DATE OF LAST PAYMENT 09/12/95

	INSURANCE DUE	PATIENT DUE
[illegible]		59.00
[illegible]		59.00
[illegible]		
[illegible]		

FOLLOW-UP

_____ ☐ days
_____ ☐ week
_____ ☐ month
_____ ☐ year
☐ sooner prn problem
☐ will call with lab result
☐ refer to _____

3/VT 4121658 050899

PA-162

65-047-2343
#08431

CATHY P. MILAM, M.D.
dermatology
dermatologic surgery

1515 S. OSPREY AVENUE, SUIT
SARASOTA, FLORIDA 3423
(941) 364-8220

GUARANTOR'S NAME AND ADDRESS	PATIENT NO.	PATIENT'S NAME	PAID	DATE
MIKE (HARRY) SCHMITT 7211 CAPTAIN KIDD AVE SARASOTA FL 34231	4704	MIKE (HARRY) SCHMITT	1	01/31/9

PATIENT'S ADDRESS	PATIENT'S AGE / BIRTH	PATIENT'S PHONE NO.	INSURANCE CODE / EXPLANATION	INSURANCE CERTIFICATE NUMBER
	36 06/06/60	923-2253		

PATIENT STATUS	ACCIDENT
N	

OFFICE VISITS

	New	Consult	Estab.
BRIEF	☐ 99201	☐ 99241	☐ 99211
LIMITED	☐ 99202	☐ 99242	☐ 99212
INTERMEDIATE	☐ 99203	☐ 99243	☐ 99213
EXTENDED	☐ 99204	☐ 99244	☐ 99214
COMPREHENSIVE	☐ 99205	☐ 99245	☐ 99215

EST-OP	☐ 99024
MINOR SURGERY	
I & D SIMPLE, SINGLE	☐ 10060
I & D COMPLICATED, MULTIPLE	☐ 10061
I & D ABSCESS	☐ 10080
FINE SURGERY	☐ 10040
FOREIGN BODY REMOVAL	☐ 10120
BIOPSY	☐ 11100
BIOPSY, EACH ADDITIONAL	☐ 11101
EXTERNAL EAR	☐ 69200
FLUID	☐ 67810
NAIL	☐ 40490
WARTS	☐ 64100

DESTRUCTION: DESTRUCTION

PRECANCERAL OR PREMALIGNANT LESION	☐ 17000
FIRST 2-3 ADDITIONAL LESIONS, EACH	☐ 17001
FIRST 3 LESIONS, EACH	☐ 17003
BENIGN LESIONS, EXCEPT FACE	☐ 17110
ADDITIONAL LESIONS	☐ 17111
FIRST 2 LESIONS, TO 15	☐ 17102
PLANTAR WARTS, MULLOSCUM, MLUA	☐ 17110
LESION, SKIN TAGS	☐ 11200
EACH ADDITIONAL 10	☐ 11201
CRYOSURGERY	☐ 17340

EXCISION SHAVE EXCISIONS

Shaving of epidermal or dermal lesion, single lesion

TRUNK, ARMS, OR LEGS Lesion diameter:

0.5 cm or less	☐ 11300
0.6 to 1.0 cm	☐ 11301
1.1 to 2.0 cm	☐ 11302
OVER 2.0 cm	☐ 11303

SCALP, NECK, HANDS, FEET

0.5 cm or less	☐ 11305
0.6 to 1.0 cm	☐ 11306
1.1 to 2.0 cm	☐ 11307
OVER 2.0 cm	☐ 11308

FACE, EARS, EYELIDS, NOSE, LIPS, MUCOUS MEMBRANE:

0.5 cm or less	☐ 11310
0.6 to 1.0 cm	☐ 11311
1.1 to 2.0 cm	☐ 11312
OVER 2.0 cm	☐ 11313

DESTRUCTION MALIGNANT LESION

TRUNK, ARMS, LEGS:

0.5 cm or less	☐ 17260
0.6 to 1.0 cm	☐ 17261
1.1 to 2.0 cm	☐ 17262
2.1 to 3.0 cm	☐ 17263
3.1 to 4.0 cm	☐ 17264
OVER 4.0 cm	☐ 17266

SCALP, NECK, HANDS, FEET, GENITALIA:

0.5 cm or less	☐ 17270
0.6 to 1.0 cm	☐ 17271
1.1 to 2.0 cm	☐ 17272
2.1 to 3.0 cm	☐ 17273
3.1 to 4.0 cm	☐ 17274
OVER 4.0 cm	☐ 17276

FACE, EARS, EYELIDS, NOSE, LIPS:

0.5 cm or less	☐ 17280
0.6 to 1.0 cm	☐ 17281
1.1 to 2.0 cm	☐ 17282
2.1 to 3.0 cm	☐ 17283
3.1 to 4.0 cm	☐ 17284
OVER 4.0 cm	☐ 17286

EXCISIONS

TRUNK, ARMS, LEGS	Benign	Malignant
TO 0.5 cm	☐ 11600	☐ 11620
0.6 - 1.0 cm	☐ 11601	☐ 11621
1.1 - 2.0 cm	☐ 11602	☐ 11622
2.1 - 3.0 cm	☐ 11603	☐ 11623
3.1 - 4.0 cm	☐ 11604	☐ 11624
OVER 4.0 cm	☐ 11605	☐ 11626

SCALP, NECK, HANDS, FEET, GENITALIA

TO 0.5 cm	☐ 11640	☐ 11640
0.6 - 1.0 cm	☐ 11641	☐ 11621
1.1 - 2.0 cm	☐ 11642	☐ 11622
2.1 - 3.0 cm	☐ 11643	☐ 11623
3.1 - 4.0 cm	☐ 11644	☐ 11624
OVER 4.0 cm	☐ 11646	☐ 11626

FACE, EYELIDS, EARS, NOSE, LIPS, MUCOUS MEMBRANES

TO 0.5 cm	☐ 11640	☐ 11640
0.6 - 1.0 cm	☐ 11641	☐ 11641
1.1 - 2.0 cm	☐ 11642	☐ 11642
2.1 - 3.0 cm	☐ 11643	☐ 11643
3.1 - 4.0 cm	☐ 11644	☐ 11644
OVER 4.0 cm	☐ 11646	☐ 11646

WOUND REPAIR

SCALP, AXILLAE, TRUNK, EXTR

2.5 cm or less	☐ 12031
2.6 - 7.5 cm	☐ 12032

NECK, HANDS, FEET, GENITALS:

2.5 cm or less	☐ 12041
2.6 to 7.5 cm	☐ 12042

FACE, EARS, NOSE, LIPS:

2.5 cm or less	☐ 12051
2.6 - 5.0 cm	☐ 12052
5.1 - 7.5 cm	☐ 12053

TRUNK: 1.1 - 2.5 cm ☐ 13100
2.6 - 7.5 cm ☐ 13101

SCALP, ARMS, LEGS: 1.1 - 2.5 cm ☐ 13120
2.6 - 7.5 cm ☐ 13121

FOREHEAD, CHEEKS, CHIN, NECK, HANDS, FEET

1.1 - 2.5 cm	☐ 13151
2.6 - 7.5 cm	☐ 13152

EYELIDS, NOSE, EARS, LIPS: 1.0 or less ☐ 13150
1.1 - 2.5 cm ☐ 13151
2.6 - 7.5 cm ☐ 13152
WOUND REPAIR, COMPLICATED ☐ 13300

COSMETIC PROCEDURE PRODUCTS

MISCELLANEOUS

KOH	☐ 87220
INTRALESIONAL INJECTIONS	☐ 11900
	☐ 90782
INTRAMUSCULAR INJECTION	☐ 96101
LEG VEIN INJECTION	☐ 36468
DESTRUCTION OF LESION, ANUS	☐ 46900
DESTRUCTION OF LESION, PENIS	☐ 54050
PATCH TEST	☐ 95044

DIAGNOSIS		DIAGNOSIS		DIAGNOSIS		DIAGNOSIS	
00.1	Acne	706.0	Eczema, Xerotic	697.0	Lichen Planus	053.19	Post Herpetic Neuralgia
04.00	Alopecia	035.	Erysipelas	701.0	Lidus Adenosus Et Anaphicus	698.9	Pruritus
01.8	Atrophoderma	698.1	Erythema M./Illoema	216.__	Lipoma	698.1	Psoriasis
38.2	Atypical Nevus	695.2	Erythema Nodosum	695.4	Lupus Erythematosus	287.2	Purpura
79.__	Basal Cell Ca	695.9	Erythema, Unspecified	202.8	Lymphoma	709.09	Purpura, Progressive
19.4	Bite, Insect	059.0	Erythrasma	702.2	Moss, Subcut.	680.0	Pyoderma
49.8	Burn	695.9	Erythroderma	757.33	Mamocytosis	686.1	Pyogenic Granuloma
13.9	Candidiasis	373.32	Eyelid Herpetitis	172.__	Melanoma	695.2	Rosacea
09.2	Canker Sore	701.8	Facial Elyloosis	705.1	Milaria	135.	Sarcoidosis
82.9	Cellulitis, Abscess	701.8	Folliculitis	709.3	Milium	133.0	Scabies
82.79	Chabits, Actinic	709.4	Foreign Body	078.0	Molluscum Contagiosum	709.2	Scar
52.9	Chicken Pox	695.89	Granuloma Annulare	703.0	Morphea	710.1	Scleroderma
88.00	Chondrodermatitis	228.01	Hemangioma	782.3	Nail Disease	287.2	Senile Purpura
00.0	Corn/Callus	054.9	Herpes Simplex	216.__	Neoplasm, Skin	701.9	Skin Tags
92.9	Cutaneous Horn	053.0	Herpes Zoster Virus	698.3	Neurodermatitis	173.__	Squamous Cell Carcinoma
26.9	Cut. Larval Migrans	705.83	Hidradenitis	215.9	Neurofibroma	692.79	Sunburn
08.3	Cyst, Epidermal	364.1	Hirudism	216.__	Nev. s Cell Nevus	448.9	Telangiectasia
90.3	Dehiscence of Wound	783.8	Hyperhidrosis	709.9	Papulas	958.9	Traumatic Injury
61.8	Dermatitis, Atopic	757.1	Ichthyosis	696.2	Parapsoriasis	110.9	Tinea Dermatophytosis
32.9	Dermatitis, Contact	684.9	Impetigo	681.9	Paronychia	112.9	Tinea, NOS
84.0	Dermatitis, Herpetiformis	695.89	Intertrigo	709.09	Pemphigus	110.9	Tinea Versicolor
86.3	Dermatitis, Perioral	701.4	Keloid	757.9	Pediculosis	701.9	Ulcer, Cutaneous
62.79	Dermatitis, Plaqu	702.	Keratosis, Actinic	694.4	Pemphigus	708.9	Urticaria
13.9	Dermatitis, Radiation	757.39	Keratosis, Follicularis	694.5	Pemphigoid	287.0	Vasculitis
05.10	Dermatitis, Seborrheic	757.39	Keratosis Palaris	709.0	Pigmentation	078.19	Verruca Vlat
84.1	Dermatitis, Stas	702.19	Keratosis, Seborrheic	698.8	Pityriasis Alba	057.9	Viral Exanthem
26.9	Dermatophytosis	702.11	Keratosis, Seborrheic	696.3	Pityriasis Rosea	705.0	Vitiligo
05.2	Drug Eruption	709.9	Lentigo	696.4	Pityriasis Rubra Pilaris	372.2	Xanthoma
05.81	Dyshidrotic Eczema	709.9	Lesion, Dermal	377.1	Porphyria	706.8	Xerosis

DATE OF LAST PAYMENT

03/26/96

	INSURANCE	PATIE
PREVIOUS BALANCE	.00	
[redacted]		49
[redacted]		49
[redacted]		
[redacted]		0

FOLLOW-UP

____ ☐ days
____ ☐ week
____ ☐ month
____ ☐ year
☐ sooner prn problem, call office
☐ will call with lab result
☐ refer to _____
☐ request old records

PA-163

ID # 65-047-2343
BS #0843T

CATHY P. MILAM, [illegible] P.A.
dermatology
dermatologic surgery

1515 S. OSPREY AVENUE, SU
SARASOTA, FLORIDA 34
(941) 364-8220

PATIENT NAME AND ADDRESS	PATIENT #	RESPONSIBLE PARTY NAME	DEP.	DATE
MIKE (HARRY) SCHMITT 7211 CAPTAIN KIDD AVE SARASOTA FL 34231	4784	MIKE (HARRY) SCHMITT	1	07/18/

SEX	MARITAL STATUS	AGE	DOB	TELEPHONE NO.	EMPLOYER OR SCHOOL	INSURANCE	OTHER INSURANCE
M	N	36	08/06/60	923-2253			

PROCEDURES

OFFICE VISITS

	New	Consult	Estab.
BRIEF	☐ 99201	☐ 99241	☐ 99211
LIMITED	☐ 99202	☐ 99242	☐ 99212
INTERMEDIATE	☐ 99203	☐ 99243	☐ 99213
EXTENDED	☐ 99204	☐ 99244	☐ 99214
COMPREHENSIVE	☐ 99205	☐ 99245	
POST-OP			☐ 99024

MINOR SURGERY

I & D SIMPLE, SINGLE	☐ 10060
I & D COMPLICATED, MULTIPLE	☐ 10061
I & D ABSCESS	☐ 10060
ACNE SURGERY	☐ 10040
FOREIGN BODY REMOVAL	☐ 10120
BIOPSY	☐ 11100
BIOPSY, EACH ADDITIONAL	☐ 11101
EXTERNAL EAR	☐ 69100
EYELID	☐ 67810
LIP	☐ 40490
PENIS	☐ 54100

BENIGN: DESTRUCTION

FACIAL OR PREMALIGNANT LESION	☐ 17000
2ND & 3RD LESIONS, EACH	☐ 17001
OVER 3 LESIONS, EACH	☐ 17002
BENIGN LESIONS, EXCEPT FACE	☐ 17100
SECOND LESIONS	☐ 17101
OVER 2 LESIONS, TO 15	☐ 17102
FLAT WARTS, MULLOSCUM, VILLA	☐ 17110
EXCISION, SKIN TAGS	☐ 11200
EACH ADDITIONAL 10	☐ 11201
CRYOSURGERY	☐ 17340

BENIGN SHAVE EXCISIONS

Shaving of epidermal or dermal lesion, single lesion:

TRUNK, ARMS, OR LEGS; Lesion diameter:	
0.5 cm or less	☐ 11300
0.6 cm to 1.0 cm	☐ 11301
1.1 cm to 2.0 cm	☐ 11302
OVER 2.0 cm	☐ 11303
SCALP, NECK, HANDS, FEET	
0.5 cm or less	☐ 11305
0.6 cm to 1.0 cm	☐ 11306
1.1 cm to 2.0 cm	☐ 11307
OVER 2.0 cm	☐ 11308

BENIGN: DESTRUCTION

FACE, EARS, EYELIDS, NOSE, LIPS, MUCOUS MEMBRANE:	
0.5 cm or less	☐ 11310
0.6 to 1.0 cm	☐ 11311
1.1 to 2.0 cm	☐ 11312
OVER 2.0 cm	☐ 11313

DESTRUCTION MALIGNANT LESION

TRUNK, ARMS, LEGS:	
0.5 cm or less	☐ 17260
0.6 to 1.0 cm	☐ 17261
1.1 to 2.0 cm	☐ 17262
2.1 to 3.0 cm	☐ 17263
3.1 to 4.0 cm	☐ 17264
OVER 4.0 cm	☐ 17266
SCALP, NECK, HANDS, FEET, GENITALIA:	
0.5 cm or less	☐ 17270
0.6 to 1.0 cm	☐ 17271
1.1 to 2.0 cm	☐ 17272
2.1 to 3.0 cm	☐ 17273
3.1 to 4.0 cm	☐ 17274
OVER 4.0 cm	☐ 17276
FACE, EARS, EYELIDS, NOSE, LIPS:	
0.5 cm or less	☐ 17280
0.6 to 1.0 cm	☐ 17281
1.1 to 2.0 cm	☐ 17282
2.1 to 3.0 cm	☐ 17283
3.1 to 4.0 cm	☐ 17284
OVER 4.0 cm	☐ 17286

EXCISIONS

TRUNK, ARMS, LEGS	Benign	Malignant
TO 0.5 cm	☐ 11400	☐ 11600
0.6 - 1.0 cm	☐ 11401	☐ 11601
1.1 - 2.0 cm	☐ 11402	☐ 11602
2.1 - 3.0 cm	☐ 11403	☐ 11603
3.1 - 4.0 cm	☐ 11404	☐ 11604
OVER 4.0 cm	☐ 11406	☐ 11606
SCALP, NECK, HANDS, FEET, GENITALIA		
TO 0.5 cm	☐ 11420	☐ 11620
0.6 - 1.0 cm	☐ 11421	☐ 11621
1.1 - 2.0 cm	☐ 11422	☐ 11622
2.1 - 3.0 cm	☐ 11423	☐ 11623
3.1 - 4.0 cm	☐ 11424	☐ 11624
OVER 4.0 cm	☐ 11426	☐ 11626

FACE, EYELIDS, EARS, NOSE, LIPS, MUCOUS MEMBRANE	
TO 0.6 cm	☐ 11440 ☐ 11840
0.8 - 1.0 cm	☐ 11441 ☐ 11841
1.1 - 2.0 cm	☐ 11442 ☐ 11842
2.1 - 3.0 cm	☐ 11443 ☐ 11843
3.1 - 4.0 cm	☐ 11444 ☐ 11844
OVER 4.0 cm	☐ 11446 ☐ 11846

WOUND REPAIR

SCALP, AXILLAE, TRUNK, EXTR	
2.5 cm or less	☐ 12031
2.6 - 7.5 cm	☐ 12032
NECK, HANDS, FEET, GENITALS:	
7.6 cm or less	☐ 12041
2.6 to 7.5 cm	☐ 12042
FACE, EARS, NOSE, LIPS:	
2.5 cm or less	☐ 12051
2.6 - 5.0 cm	☐ 12052
5.1 - 7.5 cm	☐ 12053
TRUNK: 1.1 - 2.5 cm	☐ 13100
2.6 - 7.5 cm	☐ 13101
SCALP, ARMS, LEGS: 1.1 - 2.5 cm	☐ 13120
2.6 - 7.5 cm	☐ 13121
FOREHEAD, CHEEKS, CHIN, NECK, HANDS, FEET	
1.1 - 2.5 cm	☐ 13131
2.6 - 7.5 cm	☐ 13132
EYELIDS, NOSE, EARS, LIPS: 1.0 or less	☐ 13150
1.1 - 2.5 cm	☐ 13151
2.6 - 7.5 cm	☐ 13152
WOUND REPAIR, COMPLICATED	☐ 13300

COSMETIC PROCEDURE PRODUCTS

MISCELLANEOUS

KOH	
INTRALESIONAL INJECTIONS	☐ 97220 ☐ 11900
INTRAMUSCULAR INJECTION	☐ 90782
LEG VEIN INJECTION	☐ J3301
DESTRUCTION OF LESION, ANUS	☐ 46916
DESTRUCTION OF LESION, PENIS	☐ 54056
PATCH TEST	☐ 95044

DIAGNOSIS

706.1	Acne	708.8	Eczema, Xerotic
704.00	Alopecia	035.	Erysipelas
701.9	Atrophoderma	695.1	Erythema Multiforme
216.2	Atypical Nevus	695.2	Erythema Nodosum
173.___	Basal Cell Ca	695.9	Erythema, Unspecified
919.4	Bite, Insect	039.0	Erythrasma
948.0	Burn	695.9	Erythroderma
112.8	Candidiasis	378.32	Eyelid Dermatitis
528.2	Canker Sore	701.8	Facial Elastosis
692.9	Cellulitis, Abscess	704.8	Folliculitis
692.79	Chylitis, Actinic	709.4	Foreign Body
052.8	Chicken Pox	695.89	Granuloma Annulare
380.00	Chondrodermatitis	228.01	Hemangioma
700.0	Clavi/Callus	054.9	Herpes Simplex
701.9	Cutaneous Horn	053.9	Herpes Zoster/Varicella
126.9	Dis. Larval Migrans	705.83	Hidradenitis
706.2	Cyst, Epidermal	704.1	Hirsutism
698.3	Debilitating Wound	760.8	Hypertrichosis
691.8	Dermatitis, Atopic	757.3	Ichthyosis
692.9	Dermatitis, Contact	684.0	Impetigo
694.0	Dermatitis, Herpetiformis	833.00	Infertigo
696.2	Dermatitis, Psoriasi	701.4	Keloid
692.79	Dermatitis, Photo	702	Keratosis, Actinic
692.89	Dermatitis, Rosacea	757.39	Keratosis, Follicularis
690.10	Dermatitis, Seborrheic	757.39	Keratosis, Palmo
704.1	Dermatitis, Stasis	702.19	Keratosis, Seborrheic
216.9	Dermatofibroma	702.11	Keratosis, Seborrheic
977.2	Drug Eruption	708.9	Lentigo
705.81	Dyshidrosis Sicca	709.9	Lesion, Dermal

692.0	Lichen Planus	053.19	Post Herpetic Neuralgia
701.0	Lichen Sclerosus Et Atrophicus	698.9	Pruritus
216.__	Lipoma	696.1	Psoriasis
695.4	Lupus Erythematosus	287.2	Purpura
207.8	Lymphoma	709.09	Purpura, Progressive
782.3	Mass, Subcut.	668.0	Pyoderma
757.33	Mastocytosis	686.1	Pyogenic Granuloma
172.___	Melanoma	695.3	Rosacea
705.1	Miliaria	125.	Sarcoidosis
306.2	Miliaria	133.0	Scabies
078.0	Molluscum Contagiosum	709.2	Scar
701.0	Morphea	710.1	Scleroderma
703.8	Nail Disease	287.2	Senile Purpura
216.__	Neoplasm, Skin	701.9	Skin Tags
698.3	Neurodermatitis	173.___	Squamous Cell Carcinoma
215.9	Neurofibroma	692.71	Sunburn
216.__	Nevus Cell Nevus	448.9	Telangiectasia
709.8	Papules	959.9	Traumatic Injury
696.2	Parapsoriasis	110.8	Tinea Corporis/Gladiatorum
681.9	Paronychia	110.9	Tinea, Nails
729.30	Pendulitis	110.0	Tinea Versicolor
133.9	Pediculosis	707.9	Ulcer, Cutaneous
694.4	Pemphigus	708.8	Urticaria
694.5	Pemphigoid	281.0	Vasculitis
709.0	Pigmentation	078.19	Verruca Vari
696.5	Pityriasis Alba	057.9	Viral Exanthem
696.3	Pityriasis Rosea	709.0	Vitiligo
696.4	Pityriasis Rubra Pilaris	372.2	Xanthoma
277.1	Porphyria	706.8	Xerosis

DATE OF LAST PAYMENT

01/31/97

PAYMENT	INSURANCE	PATI
	.00	
		59
		59
		0

FOLLOW-UP

- ☐ _____ days
- ☐ _____ week
- ☐ _____ month
- ☐ _____ year
- ☐ sooner pm problem, call office
- ☐ will call with lab result
- ☐ refer to _____
- ☐ request old records

RA-164

D # 65-047-2143
IS #00431

CATHY P. MILAM, M[illegible] P.A.
dermatology
dermatologic surgery

1750 S. OSPREY AVENU
SARASOTA, FLORIDA .34
(941) 364-8220

GUARANTOR NAME AND ADDRESS	PATIENT NO.	PATIENT NAME	DR. NO.	DAT
Mike Schmitt 7211 Captain Kidd Ave Sarasota, FL 34231	007900	00 Schmitt, Mike (		09/

DATE OF BIRTH	TELEPHONE NO.	INSURANCE CODE & DESCRIPTION	INSURANCE CERTIFICATE NUMBEI
38 08/06/60	923-2253		

PL PROC.	CR. CD.	C-CODES

PROCEDURE — CODE — FEE

OFFICE VISITS

	New	Consult	Exam
BRIEF	1 99201	1 99241	1 99211
LIMITED	1 99202	1 99242	1 99212
INTERMEDIATE	1 99203	1 99243	1 99213
EXTENDED	1 99204	1 99244	1 99214
COMPREHENSIVE	1 99205	1 99245	1 99215

POST-OP — 1 99024

MINOR SURGERY

I & D SIMPLE, SINGLE	10060
I & D COMPLICATED, MULTIPLE	10061
I & D ABSCESS	10080
ACNE SURGERY	10040
FOREIGN BODY REMOVAL	10120
BIOPSY	11100
BIOPSY, EACH ADDITIONAL	11101
EXTERNAL EAR	69100
EYELID	67810
LIP	40490
PENIS	54150

BENIGN: DESTRUCTION

FACIAL OR PREMALIGNANT LESION	17000
2ND & 3RD LESIONS, EACH	17001
OVER 3 LESIONS, EACH	17002
BENIGN LESIONS, EXCEPT FACE	17110
SECOND LESIONS	17111
OVER 2 LESIONS, TO 15	17102
FLAT WARTS, MULLOSCUM, MILIA	17110
EXCISION, SKIN TAGS	11200
EACH ADDITIONAL 15	11201
CRYOSURGERY	17340

BENIGN SHAVE EXCISIONS

Shaving of epidermal or dermal lesion, single lesion:
TRUNK, ARMS, OR LEGS; Lesion diameter:

0.5 cm or less	11300
0.6 cm to 1.0 cm	11301
1.1 cm to 2.0 cm	11302
OVER 2.0 cm	11303
SCALP, NECK, HANDS, FEET;	
0.5 cm or less	11305
0.6 cm to 1.0 cm	11306
1.1 cm to 2.0 cm	11307
OVER 2.0 cm	11308

PROCEDURE	CODE	FEE
FACE, EARS, EYELIDS, NOSE, LIPS, MUCOUS MEMBRANE:		
0.5 cm or less	11311	
0.6 to 1.0 cm	11311	
1.1 to 2.0 cm	11312	
OVER 2.0 cm	11313	
DESTRUCTION MALIGNANT LESION		
TRUNK, ARMS, LEGS:		
0.5 cm or less	17260	
0.6 to 1.0 cm	17261	
1.1 to 2.0 cm	17262	
2.1 to 3.0 cm	17263	
3.1 to 4.0 cm	17264	
OVER 4.0 cm	17266	
SCALP, NECK, HANDS, FEET, GENITALIA:		
0.5 cm or less	17270	
0.6 to 1.0 cm	17271	
1.1 to 2.0 cm	17272	
2.1 to 3.0 cm	17273	
3.1 to 4.0 cm	17274	
OVER 4.0 cm	17276	
FACE, EARS, EYELIDS, NOSE, LIPS:		
0.5 cm or less	17230	
0.6 to 1.0 cm	17281	
1.1 to 2.0 cm	17282	
2.1 to 3.0 cm	17283	
3.1 to 4.0 cm	17284	
OVER 4.0 cm	17286	

EXCISIONS

TRUNK, ARMS, LEGS	Benign	Malignant
TO 0.5 cm	11400	11600
0.6 - 1.0 cm	11401	11601
1.1 - 2.0 cm	11402	11602
2.1 - 3.0 cm	11403	11603
3.1 - 4.0 cm	11404	11604
OVER 4.0 cm	11406	11606
SCALP, NECK, HANDS, FEET, GENITALIA		
TO 0.5 cm	11420	11620
0.6 - 1.0 cm	11421	11621
1.1 - 2.0 cm	11422	11622
2.1 - 3.0 cm	11423	11623
3.1 - 4.0 cm	11424	11624
OVER 4.0 cm	11426	11626

PROCEDURE	CODE
FACE, EYELIDS, EARS, NOSE, LIPS, MUCOUS MEMBRANE	
TO 0.5 cm	11440
0.6 - 1.0 cm	11441
1.1 - 2.0 cm	11442
2.1 - 3.0 cm	11443
3.1 - 4.0 cm	11444
OVER 4.0 cm	11446
WOUND REPAIR	
SCALP, AXILLAE, TRUNK, EXTR	
2.5 cm or less	12031
2.5 - 7.5 cm	12032
NECK, HANDS, FEET, GENITALS:	
2.5 cm or less	12041
2.6 to 7.5 cm	12042
FACE, EARS, NOSE, LIPS:	
2.5 cm or less	12051
2.6 - 5.0 cm	12052
5.1 - 7.5 cm	12053
TRUNK: 1.1 - 2.5 cm	13100
2.6 - 7.5 cm	13101
SCALP, ARMS, LEGS: 1.1 - 2.5 cm	13120
2.6 - 7.5 cm	13121
FOREHEAD, CHEEKS, CHIN, NECK, HANDS, FEET:	
1.1 - 2.5 cm	13131
2.6 - 7.5 cm	13132
EYELIDS, NOSE, EARS, LIPS: 1.0 cm or less	13150
1.1 - 2.5 cm	13151
2.6 - 7.5 cm	13152
WOUND REPAIR, COMPLICATED	13300

COSMETIC PROCEDURE PRODUCTS

MISCELLANEOUS

KOH	88220
INTRALESIONAL INJECTIONS	11900
INTRAMUSCULAR INJECTION	96301
LEG VEIN INJECTION	36468
DESTRUCTION OF LESION, ANUS	46500
DESTRUCTION OF LESION, PENIS	54050
PATCH TEST	95044

DIAGNOSIS		DIAGNOSIS		DIAGNOSIS		DIAGNOSIS	
706.1	Acne	708.8	Eczema, Xerotic	637.0	Lichen Planus	053.19	Post Herpetic Neuralgia
701.00	Alopecia	695.	Erysipelas	701.0	Lichen Sclerosus Et Atrophicus	698.0	Pruritus
781.8	Atrophoderma	695.1	Erythema Multiforme	216.__	Lipoma	696.1	Psoriasis
782.	Atrophied Nevus	695.2	Erythema Nodosum	695.4	Lupus Erythematosus	287.2	Purpura
173.	Basal Cell Ca	695.9	Erythema, Unspecified	202.8	Lymphoma	709.09	Purpura, Progressive
919.4	Bite, Insect	638.0	Erythrasma	701.2	Mast, Subcut	883.8	Pyoderma
919.0	Burn	695.9	Erythroderma	757.33	Mastocytosis	695.1	Pyogenic Granuloma
112.3	Candidiasis	313.22	Eyelid Dermatitis	172.__	Melanoma	685.3	Rosacea
682.7	Cancer Sore	201.8	Facial Classitis	709.1	Milaria	135.	Sarcoidosis
061.9	Cellulitis, Abscess	304.3	Folliculitis	100.2	Milium	173.0	Scabies
959.79	Cellulitis, Acute	709.4	Foreign Body	078.0	Molluscum Contagiosum	709.2	Scar
052.9	Chicken Pox	695.89	Granuloma Annulare	701.0	Morphea	216.1	Seborrheoma
704.00	Chondrodermatitis	228.01	Hemangioma	703.9	Nail Disease	287.2	Senile Purpura
704.0	Corn/Callus	054.9	Herpes Simplex	216.__	Neoplasm, Skin	701.9	Skin Tags
709.1	Cutaneous Horn	053.9	Herpes Zoster/Varicella	198.3	Neurodermatitis	173.__	Squamous Cell Carcinoma
120.1	Cut. Larval Migrans	705.83	Hidradenitis	215.9	Neurofibroma	692.71	Sunburn
704.2	Cyst, Epidermal	704.1	Hirsutism	216.__	Nevus Cell Nevus	448.9	Telangiectasia
990.3	Dehydration of Neural	705.8	Hyperhidrosis	709.8	Papules	959.8	Traumatic Injury
691.8	Dermatitis, Atopic	757.1	Ichthyosis	696.2	Parapsoriasis	698.3	Tinea Dermatophytosis
692.9	Dermatitis, Contact	684.8	Impetigo	681.9	Paronychia	110.1	Tinea, Nails
691.0	Dermatitis, Napkin/Diaper	695.89	Lichenoid	709.30	Pemphigus	110.0	Tinea Versicolor
695.1	Dermatitis, Radiation	701.4	Keloid	133.9	Pediculosis	707.8	Ulcer, Chronic
692.70	Dermatitis, Toxic	702.	Keratosis, Actinic	694.4	Pemphigus	708.9	Urticaria
690.10	Dermatitis, Seborrheic	757.39	Keratosis, Follicularis	694.5	Pemphigoid	287.0	Vasculitis
702.0	Dermatitis, Solaris	702.19	Keratosis, Seborrheic	709.0	Pigmentation	078.10	Verruca Vari
706.__	Dermatosis, Cystic	702.11	Keratosis, Seborrheic	696.5	Pityriasis Alba	057.9	Viral Exanthem
709.9	Dermatosis, Inflammatory	702.11	Keratosis, Seborrheic	696.3	Pityriasis Rosea	709.0	Vitiligo
692.7	Drug Eruption	780.0	Lentigo	695.4	Pityriasis Rubra Pilaris	272.2	Xanthoma
704.0	Dry Skin Syndrome	709.9	Lesion, Benign	702.1	Polymyalgia	709.8	Xerosis

DATE OF LAST PAYMENT
05/11/98

PREVIOUS BALANCE	INSURANCE	PATI
	0.00	
TODAY'S CHARGES		5
PAID ON ACCOUNT		
CC CHECK CASH		59
TOTAL DUE		

FOLLOW-UP

- ____ ☐ days
- ____ ☐ week
- ____ ☐ month
- ____ ☐ year

☐ sooner pm problem, call office
☐ will call with lab result
☐ refer to .....
☐ request old records .....

RA-165

ID # 65-047-2343
BS #08437

CATHY P. MILAM, M[illegible] P.A.
dermatology
dermatologic surgery

7515 S. OSPREY AVENUE, SUI
SARASOTA, FLORIDA 3423
(813) 364-8220

GUARANTOR NAME AND ADDRESS	PATIENT NO.	PATIENT NAME	DR. NO.	DATE
MIKE (HARRY) SCHMITT 7211 CAPTAIN KIDD AVE SARASOTA FL 34231	4704	MIKE (HARRY) SCHMITT	1	09/09/

DATE OF BIRTH	TELEPHONE NO.	INSURANCE CODE & DESCRIPTION	INSURANCE CERTIFICATE NUMBER
34 08/06/60	923-2253		

PL PROC.	CR. CD.	C-CODES
	N	

PROCEDURE	CODE	FEE
OFFICE VISITS	New / Consult. / Estab.	
BRIEF	☐ 99201 ☐ 99241 ☐ 99211	
LIMITED	☐ 99202 ☐ 99242 ☐ 99212	
INTERMEDIATE	☐ 99203 ☐ 99243 ☐ 99213	
EXTENDED	☐ 99204 ☐ 99244 ☐ 99214	
COMPREHENSIVE	☐ 99205 ☐ 99245	
POST-OP	☐ 99024	
MINOR SURGERY		
I & D SIMPLE, SINGLE	☐ 10060	
I & D COMPLICATED, MULTIPLE	☐ 10061	
I & D ABSCESS	☐ 10060	
ACNE SURGERY	☐ 10040	
DRAINAGE PARONYCHIA	☐ 10160	
FOREIGN BODY REMOVAL	☐ 10120	
BIOPSY	☐ 11100	
BIOPSY, EACH ADDITIONAL	☐ 11101	
EXTERNAL EAR	☐ 69100	
EYELID	☐ 67810	
LIP	☐ 40490	
PENIS	☐ 54100	
BENIGN: DESTRUCTION		
FACIAL OR PREMALIGNANT LESION	☐ 17000	
2ND & 3RD LESIONS, EACH	☐ 17001	
OVER 3 LESIONS, EACH	☐ 17002	
BENIGN LESIONS, EXCEPT FACE	☐ 17100	
SECOND LESIONS	☐ 17101	
OVER 2 LESIONS, TO 15	☐ 17102	
FLAT WARTS, MULLOSCUM, MILIA	☐ 17110	
EXCISION, SKIN TAGS	☐ 11200	
EACH ADDITIONAL 10	☐ 11201	
CRYOSURGERY	☐ 17340	
BENIGN SHAVE EXCISIONS		
Shaving of epidermal or dermal lesion, single lesion:		
TRUNK, ARMS, OR LEGS; lesion diameter:		
0.5 cm or less	☐ 11300	
0.6 to 1.0 cm	☐ 11301	
1.1 to 2.0 cm	☐ 11302	
OVER 2.0 cm	☐ 11303	
SCALP, NECK, HANDS, FEET:		
0.5 cm or less	☐ 11305	
0.6 to 1.0 cm	☐ 11306	
1.1 to 2.0 cm	☐ 11307	
OVER 2.0 cm	☐ 11308	

PROCEDURE	CODE	FEE
FACE, EARS, EYELIDS, NOSE, LIPS, MUCOUS MEMBRANE:		
0.5 cm or less	☐ 11310	
0.6 to 1.0 cm	☐ 11311	
1.1 to 2.0 cm	☐ 11312	
OVER 2.0 cm	☐ 11313	
DESTRUCTION MALIGNANT LESION		
TRUNK, ARMS, LEGS:		
0.5 cm or less	☐ 17260	
0.6 to 1.0 cm	☐ 17261	
1.1 to 2.0 cm	☐ 17262	
2.1 to 3.0 cm	☐ 17263	
3.1 to 4.0 cm	☐ 17264	
OVER 4.0 cm	☐ 17266	
SCALP, NECK, HANDS, FEET, GENITALIA:		
0.5 cm or less	☐ 17270	
0.6 to 1.0 cm	☐ 17271	
1.1 to 2.0 cm	☐ 17272	
2.1 to 3.0 cm	☐ 17273	
3.1 to 4.0 cm	☐ 17274	
OVER 4.0 cm	☐ 17276	
FACE, EARS, EYELIDS, NOSE, LIPS:		
0.5 cm or less	☐ 17280	
0.6 to 1.0 cm	☐ 17281	
1.1 to 2.0 cm	☐ 17282	
2.1 to 3.0 cm	☐ 17283	
3.1 to 4.0 cm	☐ 17284	
OVER 4.0 cm	☐ 17286	
EXCISIONS	Benign / Malignant	
TRUNK, ARMS, LEGS		
TO 0.5 cm	☐ 11400 ☐ 11600	
0.6 - 1.0 cm	☐ 11401 ☐ 11601	
1.1 - 2.0 cm	☐ 11402 ☐ 11602	
2.1 - 3.0 cm	☐ 11403 ☐ 11603	
3.1 - 4.0 cm	☐ 11404 ☐ 11604	
OVER 4.0 cm	☐ 11406 ☐ 11606	
SCALP, NECK, HANDS, FEET, GENITALIA		
TO 0.5 cm	☐ 11420 ☐ 11620	
0.6 - 1.0 cm	☐ 11421 ☐ 11621	
1.1 - 2.0 cm	☐ 11422 ☐ 11622	
2.1 - 3.0 cm	☐ 11423 ☐ 11623	
3.1 - 4.0 cm	☐ 11424 ☐ 11624	
OVER 4.0 cm	☐ 11426 ☐ 11626	

PROCEDURE	CODE
FACE, EYELIDS, EARS, NOSE, LIPS, MUCOUS MEMBRA	
TO 0.5 cm	☐ 11440 ☐ 11640
0.6 - 1.0 cm	☐ 11441 ☐ 11641
1.1 - 2.0 cm	☐ 11442 ☐ 11642
2.1 - 3.0 cm	☐ 11443 ☐ 11643
3.1 - 4.0 cm	☐ 11444 ☐ 11644
OVER 4.0 cm	☐ 11446 ☐ 11646
WOUND REPAIR	
SCALP, AXILLAE, TRUNK, EXTR	
2.5 cm or less	☐ 12031
2.6 to 7.5 cm	☐ 12032
NECK, HANDS, FEET, GENITALS:	
2.5 cm or less	☐ 12041
2.6 - 7.5 cm	☐ 12042
FACE, EARS, NOSE, LIPS:	
2.5 cm or less	☐ 12051
2.6 - 5.0 cm	☐ 12052
5.1 - 7.5 cm	☐ 12052
TRUNK: 1.1 - 2.5 cm	☐ 13100
2.6 - 7.5 cm	☐ 13101
SCALP, ARMS, LEGS: 1.1 - 2.5 cm	☐ 13120
2.6 - 7.5 cm	☐ 13121
FOREHEAD, CHEEKS, CHIN, NECK, HANDS, FEET:	
1.1 - 2.5 cm	☐ 13131
2.6 - 7.5 cm	☐ 13132
EYELIDS, NOSE, EARS, LIPS: 1.0 or less	☐ 13153
1.1 - 2.5 cm	☐ 13151
2.6 - 7.5 cm	☐ 13152
WOUND REPAIR, COMPLICATED	☐ 13300
ADJACENT TISSUE TRANSFER OR REARRANGEMENT	
TRUNK to 10 sq. cm	☐ 14000
SCALP, ARMS, LEGS, to 10 sq. cm	☐ 14020
FOREHEAD, CHEEKS, CHIN, MOUTH, NECK, AXILLAE, GENITALIA, HANDS, FEET to 10 sq. cm	☐ 14040
EYELIDS, NOSE, EARS, LIPS	☐ 14060
MISCELLANEOUS	
KOH	☐ 87220
INTRALESIONAL INJECTIONS	☐ 11900
	☐ 90782
INTRAMUSCULAR INJECTION	☐ 96301
LEG VEIN INJECTION	☐ 36468
DESTRUCTION OF LESION, ANUS	☐ 46900
DESTRUCTION OF LESION, PENIS	☐ 54056

DIAGNOSIS		DIAGNOSIS		DIAGNOSIS		DIAGNOSIS	
706.1	Acne	705.8	Eczema, Xerotic	701.0	Lichen Sclerosis & Atrophicus	696.1	Psoriasis
704.00	Alopecia	035.	Erysipelas	214.	Lipoma	696.1	Psoriasis
701.8	Atrophoderma	695.1	Erythema Multiforme	695.4	Lupus Erythematosus	287.2	Purpura
216.9	Atypical Nevus	695.2	Erythema Nodosum	202.8	Lymphoma	709.0	Purpura, Progressive
173.	Basal Cell Ca	695.9	Erythema, Unspecified	757.2	Mast, Sebost	686.0	Pyoderma
919.4	Bite, Insect	039.0	Erysipelas	757.33	Mastocytosis	696.1	Pyogenic Granuloma
949.0	Burn	695.9	Erythroderma	172.	Melanoma	695.3	Rosacea
112.9	Candidiasis	373.32	Eyelid Dermatitis	705.1	Miliaria	135.	Sarcoidosis
528.2	Canker Sore	701.8	Facial Elastosis	706.2	Milium	133.0	Scabies
682.9	Cellulitis, Abscess	704.8	Folliculitis	078.0	Molluscum Contagiosum	709.2	Scar
692.79	Cheilitis, Actinic	709.4	Foreign Body	701.0	Morphea	710.1	Scleroderma
052.9	Chicken Pox	695.89	Granuloma Annulare	703.9	Nail Disease	287.2	Senile Purpura
239.00	Chondrodermatitis	228.01	Hemangioma	216.	Neoplasm, Skin	701.9	Skin Tags
700.0	Comedo	054.9	Herpes Simplex	698.3	Neurodermatitis	173.	Squamous Cell Carcinoma
702.8	Cutaneous Horn	053.9	Herpes Zoster-Varicella	215.9	Neurofibroma	692.71	Sunburn
126.9	Cut. Larval Migrans	705.83	Hidradenitis	216.	News Cell Nevus	448.9	Telangiectasia
709.2	Cyst, Epidermal	704.1	Hirsutism	709.8	Papules	959.9	Traumatic Injury
998.3	Dehiscence of Wound	780.8	Hyperhidrosis	696.2	Parapsoriasis	110.5	Tinea Dermatophytosis
691.8	Dermatitis, Atopic	757.1	Ichthyosis	681.9	Paronychia	110.1	Tinea, Nails
692.9	Dermatitis, Contact	684.0	Impetigo	729.23	Panniculitis	110.0	Tinea Versicolor
694.0	Dermatitis, Herpiformis	695.89	Intertrigo	332.9	Pediculosis	707.5	Ulcer, Cutaneous
695.3	Dermatitis, Perioral	701.4	Keloid	694.4	Pemphigus	708.9	Urticaria
692.79	Dermatitis, Photo	702.	Keratosis, Actinic	694.5	Pemphigoid	287.0	Vasculitis
692.89	Dermatitis, Radiation	757.39	Keratosis, Follicularis	709.0	Pigmentation	078.1	Verruca Wart
693.	Dermatitis, Seborrheic	757.39	Keratosis, Pilaris	696.5	Pityriasis Alba	051.9	Viral Exanthem
454.1	Dermatitis, Stasis	702.1	Keratosis, Seborrheic	696.3	Pityriasis Rosea	709.9	Vitiligo
216.9	Dermatofibroma	709.0	Lentigo	696.4	Pityriasis Rubra Pilaris	272.2	Xanthoma
906.2	Drug Eruption	702.9	Lesion, Dermal	377.1	Psoriasis	705.1	Xerosis
708.8	Dyshidrosis (Pompholyx)	697.0	Lichen Planus	053.19	Post Herpetic Neuralgia		

DATE OF LAST PAYMENT 08/26/93

PREVIOUS BALANCE	INSURANCE .00	PATI
TODAY'S CHARGES	48	
PAID ON ACCOUNT	48	
CO CHECK CASH		
TOTAL DUE		

FOLLOW-UP
_____ ☐ days
_____ ☐ week
_____ ☐ month
__1__ ☐ year
☐ sooner prn problem
☐ will call with lab result
☐ refer to _____

VSS/VT 4131058 05813

UNIVERSITY OF SOUTH FLORIDA
Student Health Services
4202 E. Fowler Avenue - SHS 100
Tampa, Fl 33620-6750
813-974-2331
Fax 813-974-5888

CONSULTATION/REFERRAL REQUEST

Date 10/1/96

Referred To: Dr. Livstone, 1921 Waldemere St.
Suite 512
Sarasota, FL 34239 Phone: _____

RE: Patient's Name: Schmitt, Harry SS#: 265-35-4432

Reason for Consultation: Rectal bleeding

PATIENT INFORMATION:

A. Pertinent History: Several yr hx of rectal bleeding.

B. Physical Findings:

C. Diagnostic Tests ordered/results:

☐ Please send us a written report when your consultation is complete. Please include social security number on all returned correspondence.
☐ We would like to receive periodic medical follow-up on this patient.

E Terenzi
Signature

E. Terenzi, M.D.
Print Name

USF Student Health Services is not responsible for any financial obligation incurred from this referral.

white copy: patient y( )copy: chart pink copy: m( )al records department

PA-167

GASTROENTEROLOGY ASSOCIATES OF SARASOTA

CONSULTATIVE GASTROENTEROLOGY AND HEPATOLOGY
DIAGNOSTIC AND THERAPEUTIC GASTROINTESTINAL ENDOSCOPY

F. SCOTT CORBETT, M.D.
DOUGLAS A. KUPERMAN, M.D.
ELLIOT M. LIVSTONE, M.D., F.A.C.P., F.A.C.G.
DIPLOMATES, AMERICAN BOARD OF INTERNAL MEDICINE
DIPLOMATES, SUBSPECIALTY BOARD OF GASTROENTEROLOGY

May 22, 1995

Leonard Schwartzbaum, M.D.
6128 S. Tamiami Trail
Sarasota, FL 34231

Re: Harry Michael Schmitt

Dear Len:

Today, I had the pleasure of meeting Harry "Mike" Schmitt. Attached you will find my history, physical exam and recommendations.

Mr. Schmitt is opposed to colonoscopy. That was the reason that Richard Sarkis discharged him from his practice. Secondly, see my notes at the beginning of the history and the end of the disposition regarding some of his thoughts on the relevant matters.

His hepatitis A, B and C studies are negative. His liver function tests have been mildly abnormal throughout the years. I don't believe he has any serious or chronic liver disease at this point in time.

Unfortunately, for medical/legal reasons, I have to spend money on a registered letter regarding colonoscopy since he presently refuses to have it.

In any event, I await his decision but I'm really not expecting him to go through with the colonoscopy that I have recommended. I clearly informed him that the responsibility for any delayed diagnosis of colonic disease or lack of diagnosis of colonic disease is his responsibility and not mine if he does not have this examination.

I will keep you further advised.

All best wishes,

Elliot

Elliot M. Livstone, M. D.

EML:dl
CC: Cathy Milam, M.D.
Enclosure

WALDEMERE TOWERS SUITE 512 1921 WALDEMERE STREET SARASOTA, FLORIDA 34239 (813) 917-0688

PA-168

GASTROENTEROLOGY ASSOCIATES OF SARASOTA

CONSULTATIVE GASTROENTEROLOGY AND HEPATOLOGY
DIAGNOSTIC AND THERAPEUTIC GASTROINTESTINAL ENDOSCOPY

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DIPLOMATE, AMERICAN BOARD OF INTERNAL MEDICINE
DIPLOMATE, SUBSPECIALTY BOARD OF GASTROENTEROLOGY

September 10, 1996

941-923-5882

Mark Brus, M. D.
6128 S. Tamiami Trail
Sarasota, FL 34231

Re: Harry Michael Schmitt

Dear Mark:

In response to your letter of September 6, I'll be glad to schedule a flexible sigmoidoscopy without anesthesia for Mr. Schmitt.

Please be advised, however, that performing a flexible sigmoidoscopy does not address fully and completely the issue of gastrointestinal bleeding. Flexible sigmoidoscopy will tell us nothing about the colon beyond the range of the sigmoidoscope. If I find a bleeding abnormality, such as hemorrhoids or diverticular disease within the range of the flexible sigmoidoscope, that does not exclude the existence of more serious and potentially lethal problems, such as cancer or polyps beyond the range of the sigmoidoscope. A bleeding lesion demonstrated at flexible sigmoidoscopy does not mean that it is the only lesion or the most important one in the remaining areas of colon. If we see nothing to account for his bleeding within the range of the sigmoidoscope, it doesn't tell us about anything dangerous or possibly lethal beyond the range of the sigmoidoscope as well.

With those understandings in mind, I'll be glad to perform a flexible sigmoidoscopy. Also, please be advised that barium enemas miss 40% of polyps and 30% of cancers even in the hands of the most skilled radiologists.

I'll instruct my office staff to schedule the flexible sigmoidoscopy. For medicolegal reasons, we will make sure that Mr. Schmitt understands the limitations of that test as a diagnostic tool for discovery of bleeding sources within the bowel.

Sincerely,

Elliot

EML:dl
CC: Patient

Elliot M. Livstone, M. D.

WALDEMERE TOWERS . SUITE 512 1921 WALDEMERE STREET SARASOTA, FLORIDA 34239 (941) 917-0808

PA-169

FLORIDA UROLOGY SPECIALISTS

James W. Denlinger, M.D., F.A.C.S.
Thomas H. Williams, M.D., F.A.C.
William J. Tingle, M.D., F.A.C.S.
A. Joseph Bilik, M.D., F.A.C.S.
Anthony M. Accurintia, M.D.
John D. Welch, M.D., F.A.C.S.
Diplomates American Board of Urology

pt# 33640

Date: 1-14-05

Dear Harry Schmitt

You have an appointment with Dr Dewler on 2-2-05

at 2:30 am/pm We have had to reschedule this appointment due to a change in the Doctors schedule. We have rescheduled your appointment to 2-1-05 at 2:30 am/pm. If this is inconvenient time or day please contact us at the number below to reschedule.

Thank you,

Lucs

941/309-7000 or 1-800-543-2809 extension 7107 or 7108

1 S. SCHOOL AVENUE, SUITE 200, SARASOTA, FLORIDA 34237
5302 FIRST STREET EAST, BRADENTON, FL 34203
8592 POTTER PARK DRIVE, #100, SARASOTA, FL 34238
833 NORTH ROBERTS AVENUE, ARCADIA, FL 34266
19541 TOLEDO BLADE BLVD., PORT CHARLOTTE, FL 33948

PA-170

MIKE SCHMITT
33640

8/25/99

Dear Leonard,

I had the pleasure of seeing Mike Schmitt. As you recall, he is a 39-year-old male who has had a one year history of extreme dysuria which has been persistent lately. The burning also appears to extend up into the bladder and also referring pain into the low back bilaterally. He denies a history of gross hematuria or ureteral stones. Apparently, he has had urine cultures in the past which have been negative. There also is a vague history of herpes infections and possibly myocotic groin infections. There is also a history of a urethral mass / polyp which has not been biopsied at this point. His last antibiotics were approximately six months ago and he took Biaxin for 10 days. There have apparently been no x-ray studies done of late. The patient has no major medical problems except for hypertension.

Urinalysis is normal.

Physical examination: He has no flank or CVA tenderness. There is subjective pain in the low back bilaterally. The abdomen is benign, non-tender, without masses. External genitalia: the phallus is normal. There is an inflammatory lesion on the right side of the urethral meatus which is 3 to 4 mm in length and width. There are no glandular lesions and there are no other penile shaft lesions. The testes are normal bilaterally to palpation. There is mild enlargement of the epididymis bilaterally. There are no epididymal masses. There are no adnexal masses. There are no inguinal hernias noted. Prostate exam: 1 - 2+/4+ enlarged and mildly tender, non-nodular. There are no rectal masses.

Impression:
1. Significant and persistent urinary urgency and dysuria with referred back pain. This may represent a syndrome consistent with epididymitis / prostatitis.
2. R/o upper urinary tract obstruction.
3. Urethral lesion is most likely inflammatory but will be watched carefully.

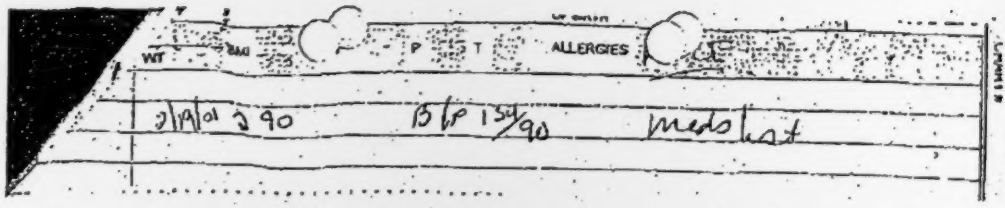
Plan: I am obtaining an IVP prior to his leaving town. He apparently works on the east coast of Florida. A urine culture will be obtained today. I am also going to place him, due to the above, on Cipro 500 mg po bid for six weeks. I will see him again in approximately six weeks for reevaluation.

I discussed his previous antibiotic allergies with him in detail and discussed the rationale for my diagnostic testing and treatment as noted above.

Thank you for allowing me to see him and participate in his care. I will continue to assist you when I can.

JWD/ed
cc: Leonard Schwartzbaum, M.D.

James W. Demler, M.D.
Dictated but not read



SCHMITT, MICHAEL 02/19/2001

S: The patient presents for evaluation. Past history; see old records. Review of systems; see old records.

O: Head; normal. Eyes; normal. Nose; normal. Mouth; normal Teeth; normal dentition. Neck; supple, trachea midline, negative jugular venous distention, negative hepatojugular reflux, good carotid upstrokes, no palpable thyroid, no thyroid bruits. Lungs; clear to percussion and auscultation. Heart; within normal limits. Abdomen; liver, spleen, and kidneys not palpable, no rebound, no rigidity. No bilateral femoral bruits. No periumbilical bruits. Back; negative costovertebral angle tenderness, no presacral edema. Genitalia; deferred. Rectal; deferred. Extremities; normal. Neurological; normal. Pulsations; normal. Dermatologic; normal.

A: 1. History of hemorrhoids.
2. History of dermatological problems.

5/14/01

WT. 306 LB. B/P - 142/96 (R) meds - list

CC: Attack injuries physically; since 5/10/01 Sat PM, bruises, (L) foot wound/Ras bled, Unable to take B/P med (R) present "in place that is hostile to me" efforts attached by brother, Gina needs to document injuries, fed scene concerned about care arrangements of patient regarding brother threatened his life "found at needle 2 x d/t heroin needs (R) arm clot (L) ankle (L) flank above pubis ecchymosis hematoma → toe

SCHMITT, MICHAEL 05/14/01

O: There is an ecchymosis at the right arm as noted. The left 2nd toe has a subungual hematoma with small bleeding from the tip. Hematoma extending on the plantar aspect towards the MCP. Nontender on passive ROM. The left flank area just above the pelvic rim is somewhat tender without visible or palpable abnormality. X-rays show no obvious fracture of the toe.

A: 1. Contusion post alleged trauma.

P: Topical antibiotics to toe to prevent infection. Follow-up as needed. MHB:dpb

12/27/01 Wt 309 K BP 154/101 meds 155

CC: attacked last night
BY Brother Gary
Twisted back - injury to
(R) leg
police notified
Still seeing Linda Erickson
& Dr. Scott Pinsky do VSD
reports threated & screwdriver by brother
since having lawyer remove Gary from
mother's estate
can't don't stand (R) leg & back twisted
(R) wrist, here today

4x5 cm dist
1x4 abrasion
(R) elbow

SCHMITT, MICHAEL 12/27/2001

O: NAD. Areas over both cheeks consistent with seborrhea. There is a visible, slightly ecchymotic, area at the right distal leg laterally with induration measured at 4 by 5 cm, more proximally is a superficial abrasion as noted. He climbs from a chair without assistance, walks well. Not tender to palpation of vertebral spinous processes, somewhat tender at right lower lumbar muscles.

A:
1. Contusions and mild sprain of the low back from injury reportedly caused by brother.
2. Seborrheic dermatitis, worse. Recommend resuming tar shampoos.
3. Post traumatic stress disorder, followed by psychiatry. Requested copy of records if possible.

P: Local warmth. Activity as tolerated. Follow up and consider physical therapy if not improving in the next week. MHB/ma

TIME / CPT CODE	HT / WT	BMI	BP	P	T	RR	ALLERGIES

Formedic

1-4-02 B/P 148/100 meds list

98 150/104

CC: F/u fro 12/27/01 light green

scalp lacerac refell

tail bone hurts, ↑ BP

leg bruise resolving

HA CCP ocbalus BP

using meds q.d - bid Befendine

upon HA

SCHMITT, MICHAEL 01/04/2002

O: NAD. Extremities without pitting. The contusion at the right lateral leg is now pale green, still somewhat indurated. Proximal lesion virtually resolved.

A: 1. Hypertension, not well-controlled on current therapy. Using medications variably.

P: Switch to Lotrel 5/20 one twice daily, and follow up in one month. Urged to monitor blood pressure as an outpatient. Return with readings. Consider adding diuretic.

MHB/ma

2-18-02 Wt 305 BP 128/90 126/90LC Meds List

BP F/u BP 160/120 99r

160/110 when at scanner ? standard cuff

Uso "intermittent" Lotrel & old Rx

saw Urology for prostatitis; still achs

SAFETY FIRST

No first-dose syncope reported in over 1600 clinical trial patients.[1]

50.4% incidence of symptomatic orthostatic hypotension.[1]

FX-174

FLOMAX

TAMSULOSIN HCl

Harry M. Schmitt
7211 Captain Kidd Av.
Sarasota, FL 34231
SSN 265-35-4432

College Claims Department
Student Insurance Division
P.O. Box 809025
Dallas, Texas 75380-9025

20 October 1996

Dear Sir/Madam:

I dispute your company's decision regarding my recent claims for medical services based on services rendered without a student health service's referral. I do have on record, at the University of South Florida's Student Health Services, the above cited referrals. Your company is welcomed to contact the USF student health center for conformation of the referrals. Specifically, SHS Records or Dr. E. Terenzi can assist your company in this matter. Your company may contact them at telephone # 813-974-2331.

Thank you for your time and assistance in this matter. If your company have any questions regarding this dispute, your company's representative may contact me at telephone # 941-923-2253 or Ms. Lynn Reilly, USF's Student Insurance Representative, at telephone # 813-974-6221. Again, thank you for your company's time in clearing up this problem to our mutual satisfaction.

Respectfully,

Harry M. Schmitt

Harry M. Schmitt

cc: USF SHS Records
Dr. Terenzi
Dr. Livstone
Dr. Power
Dr. Lonstein
Dr. Milam
Ms. Reilly, USF Student Insurance Representative

ELLIOT M. LIVSTONE, M.D., F.A.C.P., F.A.C.G.
1921 WALDEMERE ST., SUITE 512
SARASOTA, FLORIDA 34239

TELEPHONE (941) 917-6868

NAME Harry Schmitt DATE 12/30/97

INSTRUCTIONS

Newcalt cards.

3 days off red meat; then test after. Collect your stool specimen and label it with your name & mail it.

Do this @ a time when you don't see any extra bleeding.

7211 Captola Kidd Avenue
Sarasota, Florida 34231-4718
16 January 2006

The Honorable Gordon R. England
Secretary of the Navy
1000 Navy Pentagon
Washington, D.C. 20350-1000

Subj: Coercion of Ms. Milagros Vazquez, Deputy Equal Employment Opportunity Officer, Code 734, Orlando, Florida 32826-3224

Ref: (a) Sworn Statement of Ms. Milagros Vazquez dated April 7, 2005
(b) Copies of Return Certified Mail Receipts for Calendar Year 2003
(c) Copy of United States Department of Labor Letter dated November 24, 2003 to Ms. Milagros Vazquez's EEO Office
(d) Sworn Declaration of Mr. Harry M. Schmidt dated February 18, 2003
(e) Copy of United States Attorney's Office Citizen Complaint Intake Forms dated 25 June 2005 and 11 July 2005
(f) Copy of United States of America Federal Labor Relations Authority Charge Form dated 22 July 2005
(g) Copy of White House's Department of the Defense Inquiry Letter dated July 11, 2005
(h) Copy of Department of the Navy Response Letter dated November 14, 2005 to United States Senator Bill Nelson's Congressional Inquiry Letter

Dear Secretary of the Navy England's

Reference (a) was sent to the Office of Federal Operations, Equal Employment Opportunity Commission, on 12 April 2005, by Ms. Louise Vitale, SPIa-12, representing the Navy.

I submitted references (b) and (c) in response to you as direct evidence that contradicts Ms. Milagros Vazquez's Sworn statement. Ms. Milagros Vazquez, DEEOA, Orlando, Florida was properly notified of my NEW ADDRESS in Sarasota, Florida by me and by her own EEO Counselor, Ms. Raelene Hampton. Ms. Louise Vitale, SPIa-12, coerced Ms. Milagros Vazquez into providing her a false sworn statement in order to boost her legal argument to the OFO, EEOC, regarding the Navy's Breach of Settlement. The Department of the Navy was properly notified of my change of address by me in Calendar Year 2003.

This was not the Navy's first coercion of one of its own witnesses. The Department of the Navy first coerced, Ms. Ann B. Jones, Naval Ordnance Test Unit's Ethics Officer, into providing a false sworn statement to the Department of the Defense Investigator, Ms. Benita S. Townes, during her on site investigation, at Cape Canaveral Air Force Station, Florida, of my two EEO compliants, reference (d).

As a result of these cited false sworn statements, I filed two Citizen Compliants and Charged the Agency, NOTH, with an

Unfair Labor Practice, references (e) and (f). Subsequently, reference (g), was sent to the Department of the Defense and the Director of Strategic Systems Programs response, reference (b), to Senator Bill Nelson's office. Since these false sworn statements concern a criminal matter about me, I respectfully request you to refer this case to the Department of the Defense's Office of Inspector General. THANK YOU for your time and consideration of this request. GOD BLESS! Take Care.

Sincerely,

Harry M. Schmitt (Mike)

7211 Captain Kidd Ave.
Sarasota, FL 34231-4718
January 1, 2005

Office of Counsel
Strategic Systems Program
Attn: Ms Louise Vitale, SPLC-12
Nebraska Avenue Complex
287 Somers Court NW, Suite 10041
Washington, DC 20393-5446

Ms. Vitale:

I am writing this letter to you as the Navy's designated legal representative to inform you of the Navy's NonCompliance with the EEOC settlement agreement. I never received the Navy's promised check for Five Thousand Dollars via the United States Mail. The Navy's belated response is untimely and the Navy's coercion of its civilian personnel including Ms. Ann B. Jones, Ms. Joyce Hertl and Mr. Lloyd A. Diehl is being refer to the United States Attorney General. This letter to the Navy constitutes service to the Navy, via United States Express Mail, of the Navy's NonCompliance with the EEOC directed settlement agreement. I and my designated legal representative, Mr. Archibald J. Thomas, III are open to any good faith offers, on the Navy's part, of EEOC court directed mediation or Alternative Dispute Resolution with the Office of Special Counsel. Please send all Navy future correspondence

January 1, 2005

to my designated legal representative, Mr. Archibald J. Thomas, III. at 1301 Riverplace Boulevard, Suite 1640, Riverplace Tower, Jacksonville, Florida 32207. GOD BLESS. Take Care.

Sincerely,

Harry M. Schmitt (Mike)

cc: Ms. Milagros Vazquez, EEO Deputy Director, NAWC, TSD, Orlando, FL
Navy EEO Director, Washington, DC
Secretary of the Navy, Washington, DC
Secretary of the Defense, Washington, DC
Ms. Louise Vitale, SPLE-12, SSP, Washington, DC
DON CAF Director, Washington, DC
Chief of Naval Operations, Washington, DC
NCIS Director, Washington, DC
DSS, Fort Meade, MD
DPM, Boyers, PA
DOD CPMS OCI, Atlanta, GA
Commanding Officer, CCAFS & PAFB, FL
Dr. Scott Pomesly, Sarasota, FL
Dr. Mark Brus, Sarasota, FL
Dr. Cathy Milam, Sarasota, FL
Ms. Linda Eric[illegible]n, L.C.S.W., Sarasota, FL

January 1, 2005

cc: Supervisory & Administrative Judges, EEOC, Miami, FL
OSC Director, Washington, DC
Dept. of the Treasury, FLCEN Director, Vienna, VA
Dept. of the Labor, Leaden, KY
Program Office, Dept. of the Navy, San Diego, CA
Human Resources Office, South East, MS
Dept. of Navy, Navy Personnel Command, Millington, TN
Naval Post Graduate School, Comptroller, Monterey, CA
GEHA, Independence, MO

650 Dixon Blvd., Apt. #228
Cocoa, Florida 32922-7542
2 April 2003

Security Manager
Naval Ordnance Test Unit
P.O. Box 1623
Cape Canaveral, Florida 32920-1623

Security Manager:

I am writing this letter to respond to the allegation of Criminal Conduct concern. The allegation of criminal conduct concern and my responses and supporting documentation to the concern are as follows:

1) The disqualifying information is not true. The reasons and supporting documentation as to why I believe there is an error are outline below:

a) I did not file a false version of my medical report with the Department of Labor. The filed medical report and the actual medical report both state that my stress was related to a work situation in which I filed an EEO complaint of sexual harassment after my confidentiality had been broken at work.

Refer to enclosure (1), EEO complaint dated 19 September 2001

b) Both the filed medical report and the actual medical report contain the comment concerning contractors that was "Don't you think I want to go over there and kill them?" Both the filed medical report and the actual medical report contain the troubled family life and my thoughts on sexual issues.

Refer to enclosure (2), DOL filed medical report dated October 29, 2001

Sincerely,

Harry M. Schmitt

Harry M. Schmitt

650 Dixon Blvd., Apt. #228
Cocoa, Florida 32922-7542
7 March 2003

Mr. George MacEwen
3774 Sierra Drive
Merritt Island, Florida 32953

Mr. MacEwen:

I was continuing to receive and be shown foul language and sexual harassment material in the workplace after I returned to work in the middle of October of 2001. Since my confidentiality had been broken prior to my return to work, all I could do was to tell the persons sending and showing me the foul language and sexual harassment material to stop sending and showing me the offensive material. I was continuing to turn in the foul language and sexual harassment material to my first and second level supervisors as I was receiving the offensive material myself.

I need to ask you if you are willing to provide me a statement that you believe as part of my supervisory chain that I am a reliable, trustworthy and honest person whom you believe has sound judgment and can properly handle and safeguard classified information. I need to hear back from you within seven (7) days of the date of this letter whether or not you can provide me the requested statement. You may send your reply to my statement request to my above address. THANK YOU for your time and attention.

Very Respectfully,
DeSchmitt
Joe DeSchmitt

650 Dixon Blvd., Apt. #218
Cocoa, Florida 32922-7542
7 March 2003

Mr. Mark Stevens
3714 Bryce Street
Cocoa, Florida 32926

Mark:

I was continuing to receive and be shown foul language and sexual harassment material in the workplace after I returned to work in the middle of October of 2001. Since my confidentiality had been broken prior to my return to work, all I could do was to tell the persons sending and showing me the foul language and sexual harassment material to stop sending and showing me the offensive material. I was continuing to turn in the foul language and sexual harassment material in to my supervisor and you as I was receiving the offensive material myself.

I need to ask you if you are willing to provide me a statement that you believe as my second-level supervisor that I am a reliable, trustworthy and honest person who you believe has sound judgment and can properly handle and safeguard classified information. I need to hear back from you within seven (7) days of the date of this letter whether or not you can provide me the requested statement. You may send your reply to my statement request to my above address. THANK YOU for your time and attention.

Very Respectfully,
Mike Schmitt
Mike Schmitt

650 Dixon Blvd., Apt. #228
Cocoa, Florida 32922-7542
7 March 2003

Naval Ordeance Test Unit
Attn: Mr. Jerome Davis
P.O. Box 1623
Cape Canaveral, Florida 32920-1623

Mr. Davis:

I was continuing to receive and be shown foul language and sexual harassment material in the workplace after I returned to work in the middle of October of 2001. Since my confidentiality had been broken prior to my return to work, all I could do was to tell the persons sending and showing me the foul language and sexual harassment material to stop sending and showing me the offensive material. I was continuing to turn in the foul language and sexual harassment material to my supervison as I was receiving the offensive material myself.

I need to ask you if you are willing to provide me a statement that you believe as a coworker that I am a reliable, trustworthy and honest person who you believe has sound judgment and can properly handle and safeguard classified information. I need to hear back from you within seven (7) days of the date of this letter whether or not you can provide the requested statement. You may send your reply to my statement request to my above address. THANK YOU for your time and attention.

Very Respectfully,
Mike Schmitt

650 Dixon Blvd., Apt. #228
Cocoa, Florida 32922-7542
6 March 2003

Naval Ordnance Test Unit
Attn: Mr. Sid Beck
P.O. Box 1623
Cape Canaveral, Florida 32920-1623

Sid,

I was continuing to receive and be shown foul language and sexual harassment material in the workplace after I returned to work in the middle of October of 2002. Since my confidentiality had been broken prior to my return to work, all I could do was to tell the person sending and showing me the foul language and sexual harassment material to stop sending and showing me the offensive material. I was continuing to turn in the foul language and sexual harassment material to my supervisor as I was receiving the offensive material myself.

I need to ask you if you are willing to provide a statement to me that you believe as a coworker that I am a reliable, trustworthy and honest person who you believe has sound judgment and can properly handle and safeguard classified information. I need to hear back from you within seven (7) days of the date of this letter whether or not you can provide me the requested statement. You may send your reply to my statement request to my above address. THANK you for your time and attention.

Very Respectfully,
Mike Schmitt
Mike Schmitt

650 Dixon Blvd., Apt. #228
Cocoa, Florida 32922-7542
6 March 2003

Naval Ordnance Test Unit
Attn: Ms. Peggy Gallion
P.O. Box 1623
Cape Canaveral, Florida 32920-1623

Peggy:

I was continuing to receive and be shown foul language and sexual harassment material in the workplace after I returned to work in the middle of October 2002. Since my confidentiality had been broken prior to my return to work, all I could do was to tell the persons sending and showing me the foul language and sexual harassment material to stop sending and showing me the offensive material. I was continuing to turn in the foul language and sexual harassment material into my supervisor as I was receiving the offensive material myself.

I need to ask you if you are willing to provide a statement to me that you believe as a coworker that I am a reliable, trustworthy and honest person whom you believe has sound judgment and can properly handle and safeguard classified information. I need to hear back from you within seven (7) days of the date of this letter whether or not you can provide the requested statement. You may send your reply to my statement request to my above address. THANK YOU for your time and attention.

Very Sincerely,
Mike Schmitt

650 Dixon Blvd., Apt. #22B
Cocoa, Florida 32922-7542
6 March 2003

Naval Ordnance Test Unit
Attn: Mr. Dan Jadoonath
P.O. Box 1623
Cape Canaveral, Florida 32920-1623

Dan:

I was continuing to receive and be shown foul language and sexual harassment material in the workplace after I returned to work in mid October of 2001. Since my confidentiality had been broken prior to my return to work, all I could do was to tell the persons sending and showing me the foul language and sexual harassment material to stop sending and showing me the offensive material. I was continuing to turn in the foul language and sexual harassment material to my supervisor as I was receiving the offensive material myself.

I need to ask you if you are willing to provide me a statement that you believe as a close coworker that I am a reliable, trustworthy and honest person who you believe has sound judgment and can properly handle and safeguard classified information. I need to hear back from you within seven (7) days of the date of this letter whether or not you can provide the requested statement. You may send your reply to my statement request to my above address. THANK YOU for your time and attention.

Very Sincerely,
Mike Schmitt
Mike Schmitt

650 Dixon Blvd, Apt. #228
Cocoa, Florida 32922-7542
5 March 2003

Naval Ordnance Test Unit
Attn: Mr. Lloyd Diehl
P.O. Box 1623
Cape Canaveral, Florida 32920-1623

Mr. Diehl:

I was continuing to receive and be shown foul language and sexual harassment material in the workplace after I returned to work in mid October of 2001. Since my confidentiality was broken prior to my return to work, all I could do was to tell the persons sending and showing me the foul language and sexual harassment material to stop sending and showing me the offensive material. I was continuing to turn in the foul language and sexual harassment material in to you as I was receiving the offensive material myself.

I need to ask you if you are willing to provide me a statement that you believe as my supervisor that I am a reliable, trustworthy and honest person who has sound judgment and can properly handle and safeguard classified information. I need to hear back from you within seven (7) days of the date of this letter whether or not you can provide me the requested statement. You may send your reply to my statement request to my address. THANK YOU for your time and attention.

Very Respectfully,
Mike Schmitt
Mike Schmitt

650 Dixon Blvd., Apt.#228
Cocoa, Florida 32922-7542
5 January 2003

Mr. Lloyd Diehl, SFP21
Naval Ordnance Test Unit
P.O. Box 1623
Cape Canaveral, Florida 32920-1623

Subj: Objection to Telephone Testimony of Complainant by On-Site Office of Compliants Investigator on Thursday and Friday, Feb. 6-7, 2003

Mr. Lloyd Diehl:

I need to inform you and the NOTU command that OCI mediation of my discrimination complaints has failed to yeild a satisfactory solution for all concerned parties. Therefore, I need to ask the NOTU command for permission to give my testimony to the OCI investigator in person during her visit to the NOTU command on Thursday and Friday, February 6-7, 2003. Please, forward my request to the NOTU deciding representative. Thank You for your time, attention and assistance in this request matter. If you or the NOTU deciding representative have any questions, comments and/or concerns, Please feel free to bring them to my attention as soon as possible at the above address. Again, Thank You for your time, attention and assistance in seeking permission to give my testimony in person to the on-site OCI investigator.

Very Respectfully,

PA-192 Harry M. Schmitt

BEST AVAILABLE COPY

7211 Captains Walk Avenue
Sarasota, Florida 34231-4718
November 18, 2004

OWCP File # 06204368
Social Security # 265 35 4432
Enrollment Code 311, GEHA

Department of the Navy
Human Resources Service Center, SouthWest
Attn: Ms. Lyna B. Pagtama, Civilian Benefits
525 B Street, Suite 600
San Diego, CA 92101-4418

RE: Request for Extension of Federal Employee's Health Benefits (FEHB)

Ms. Pagtama:

I need to request extension coverage of my FEHB through your office. THANK You for your time and help with my FEHB coverage extension request. If you have any questions concerning this request, you may reach me at Telephone Number (941) 923-2253. Again THANK You for your time and help in this request.

Sincerely,

Harry M. Schmitt

Harry M. Schmitt

cc: Ms. Dinnie [illegible], DOL, Workers Compensation Programs PH # 202-357-4717 ext. 74

650 Dixon Blvd.; Apt. #228
Cocoa, Florida 32922-7542
26 January 2003

Captain William H. Berger, USN
Naval Ordnance Test Unit
P.O. Box 1623
Cape Canaveral, Florida 32920-1623

Subj: Request Daytime, Nightime and Home Address of Inspector General Captain Angelika Evangelist, USNR, be provided to Office of Complaints Investigator

Captain William H. Berger:

I need to ask you to provide the daytime, nightime and home address of Inspector General Captain Angelika Evangelist, USNR, to the OCI Investigator and acknowledge this request back to me in writing within 7 days from the date of this letter. THANK YOU for your time, attention and assistance in this request matter.

Very Respectfully,

Harry M. Schmitt

Post MSEE, PA

FACT-FINDING CONFERENCE SCHEDULE
Discrimination Complaint of Harry M. Schmitt
Agency Number: DON 0262841001/002

Thursday, February 6, 2003

0800	Testimony – Complainant
1100	Testimony - Lloyd Diehl
1200	Break
1230	* Testimony - Robert Blankenship
1330	Testimony - Ann Jones
1430	Testimony - Cdr. George MacEwen
1530	Testimony - LCDR M.L. Stevens

* Mr. Robert Blankenship never contacted my Sister, Brenda C. Schmitt, after I told him on the government cellphone that she wanted to talk to him regarding our brother's threats to her and me.

Mr Ann B. Jones is being coerced by the military for my turning in my supervisor's pornography to her ethics office.

Friday, February 7, 2003

0800	Testimony - CDR Howard Miller
0900	Testimony - Officer Responsible for the Incident Report

I was cooperating with the second inspector general, USNR Captain Angelika Evangelist direct orders to me to bring her all electronic evidence from my work computer. This person also contacted my sister, Brenda, telling her to believe that she was talking to a family mental health counselor.

NOTES: The times are tentative, pending availability and length of interview. Please have the witnesses prepared to be flexible and available throughout the day. Depending on the content of the interviews, additional witnesses may be called.

A confirmed schedule should be sent to this investigator no later than December 30, 2002.

Please ensure that all applicable parties have had the opportunity to review the case file, as appropriate, prior to my arrival.

Request assistance for my access to the activity and/or building as required. Additionally, please make arrangements for any special parking requirements, and notify this investigator if a parking pass is required and the method to obtain passes.

the following year.

White was later confronted by the ab
n's father, Dennis Mahoney, who dem
hat he explain to the Archdiocese of New
k "how you got under the covers with my

/hite said he spoke with the Archdiocese
c the confrontation and was sent to a psy-
ogical evaluation program. White said psy-
ogists told him that he had no sexual "ab-
nalities." Within two months, White said
is back teaching at the seminary.

hen he told then-Bishop J. Keith Symons
s indiscretions, he was not asked to stop
aing or saying Mass at local churches,
e said.

nons later resigned as bishop of the Dio-
of Palm Beach in 1999 because of sexual
vement with boys.

n Barbaro, a Diocese of Palm Beach
sman, did not immediately return a
call.

ite did not have any contact with minors
seminary, which is a graduate school for
a's seven Catholic dioceses with stu-
ranging from 22 to 61 years old, Bosso

o said he consulted Bishop Norbert
of the Orlando Diocese and Archbish-
n Favalora of the Archdiocese of Miami
th agreed to remove White.

e submitted his letter of resignation
12, one day after Bosso confronted him.
04, the former chancellor at the semi-
as suspended after he was accused of
buse.

ur Bendixen was sued by a former altar
o said the priest abused him between
1994. The lawsuit charged the dio-
h failing to recognize signs of Bendix-
ual activity.

e Court
ppeal

ent that his death sentence should
overturned because the sentencing
n Gainesville.

[illegible] and journalism. She was a board member of the Longboat Harbor Condominium Association and was a volunteer at Florida Studio Theater. She was a member of St. Mary Star of the Sea Catholic Church and its women's guild.

Survivors include daughters, Paula Hart of Des Moines, Iowa, and Susan Freeman of Minneapolis; a son, Daniel P. of Villanova; sisters Margaret Rainey of Venice and Rosemary Real of Stow, Ohio; 10 grandchildren; and 13 great-grandchildren.

A memorial Liturgy will be at 10 a.m. Thursday at St. Mary Star of the Sea Catholic Church. Toale Brothers Funeral Home, Colonial Chapel, is in charge.

In lieu of flowers, memorial donations may be made to St. Mary Star of the Sea Catholic Church, 4280 Gulf of Mexico Drive, Longboat Key, FL 34228.

Helvi M. Schmitt

Helvi M. Schmitt, 62, Sarasota, died March 31, 2002.

She was born March 16, 1940, in Finland and came to Sarasota in 1962 from Cocoa Beach. She retired as a registered nurse for Sarasota Memorial Hospital after 25 years. She was a member of the Friends of Finland Club. She was a Lutheran.

Survivors include her mother, Alli Peltola; a daughter, Brenda C. Neeley of Bradenton; sons Gary of Venice and Harry M. of Cocoa; and a sister, Pirkka of Finland.

Visitation will be from 2 to 3 p.m. today at Robarts Funeral Home, with a service to follow. Burial will be in Sarasota Memorial Park.

Memorial donations may be made to Alzheimer's Association, Manatee/Sarasota Counties Chapter, 1230 S. Tuttle Ave., Sarasota, FL 34239.

Ca[illegible]rentalange

Catherine Trentalange, 74, Brandon and formerly of Venice, died April 1, 2002, at Tampa General Hospital.

She was born Sept. 12, 1927, in Queens, N.Y., and came to Venice in 1977. She retired as a trust officer for J.P. Morgan Bank. She graduated from Pace University and was a member of the American Association of University Women and Nativity Catholic Church in Brandon.

Survivors include sons Michael Jr. of Tampa and James of Venice; and six grandchildren.

Visitation will be from 6 to 8 p.m. today at Farley Funeral Home, Venice Chapel. A Mass will be at 10 a.m. Thursday at Epiphany Cathedral, with burial to follow in Florida National Cemetery in Bushnell.

Nan Turin

Nan Turin, Sarasota, died Feb. 28, 2002.

She was born in New York City and came to Sarasota in 1973 from there. She was a court stenographer and an executive assistant. She was a founder and charter member of the Longboat Chapter of Women's American ORT, a board member of the Longboat Key Library and a member of Hadassah and Temple Beth Israel.

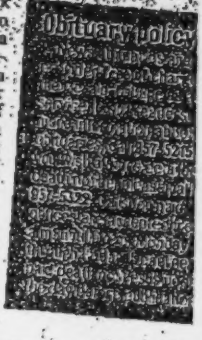
Survivors include a daughter and son-in-law, Sandra and Leonard Wasserman; a son and daughter-in-law, Michael and Phyllis; five grandchildren; and six great-grandchildren.

Memorial donations may be made to Hospice of Southwest Florida, 5955 Rand Blvd., Sarasota, FL 34238; or to Temple Beth Israel, 567 Bay Isles Road, Longboat Key, FL 34228.

Ann Louise Weldman

Ann Louise Weldman, 73, Ca[illegible]

[illegible]sonnel manager
Mills, Minneapoli
veteran of World
was a member of t
Methodist Church
Survivors inclu
Helen; sons Doug
stead, N.C., and R
leigh, N.C.; brothe
Ellenton and Robe
ta; and three grand
A service will b
Thursday at Wiegu
Funeral Home, wit
follow.
Memorial donati
made to Hospice of
Florida, 5955 Rand
sota, FL 34238.



NOTICE OF ACTION
FOR DISSOLUTION OF MARRIAGE
Case No. 2002-DR-[illegible]
IN THE CIRCUIT COURT OF THE TWEL
JUDICIAL CIRCUIT, IN AND FOR
SARASOTA COUNTY, FLORIDA
ROBERT P. PRIDEMORE,
and
CARLA GAY PRIDEMORE,
TO: Carla Gay Pridemore
4618 Wilson Rd., Ft. Charlotte, FL 33[illegible]

PA-196

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

September 29, 2005

Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

Re: OSC File No. MA-05-2634

Dear Mr. Schmitt:

On September 12, 2005, we sent you our preliminary determination to take no further action on your complaint to this office. You were notified that you had sixteen days to respond to this report. Since we have not received any comments from you concerning this report, we are closing the file for the reasons stated in this report.

Because you alleged reprisal for whistleblowing, you may have a right to seek corrective action from the Merit Systems Protection Board under the provisions of 5 U.S.C. sections 1214(a)(3) and 1221. You may file a request for corrective action with the Board within 65 days after the date of this letter. The Merit Systems Protection Board regulations concerning rights to file a corrective action case with the Board can be found at 5 C.F.R. Parts 1201-1206 and 1209. A letter explaining your rights in more detail is enclosed. This letter should not be construed as an adjudication of any matter you have pending or plan to file under any administrative appeals procedure.

Sincerely,

Ellen M. Oskoui

Ellen M. Oskoui
Complaints Examiner
Complaints Examining Unit

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

SEP 12 2005

Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

Re: OSC File No. MA-05-2634

Dear Mr. Schmitt:

This responds to your complaint against managers of the Naval Ordnance Test Unit at Cape Canaveral, Florida, your former employers. We have reviewed the information you provided. It is not clear to us from this information what in your situation presents a new issue that is within our jurisdiction. You have not described what appears to be a prohibited personnel practice that is different from issues you have raised with the OSC previously which we have reviewed. Based on our consideration of the information you provided and the law applicable to your circumstances, we have made a preliminary determination to close our inquiry into this matter.

The Office of Special Counsel is authorized to investigate allegations of prohibited personnel practices and activities prohibited by civil service law, rule, or regulation. 5 U.S.C. sections 1214(a)(1)(A), 1216(a) and 2302(b).

You will remember that in the past we made a review of your allegations of whistleblower reprisal and other prohibited personnel practices but found no basis for further action on these matters. We closed our file on your past actions and advised you of your appeal rights to the Merit Systems Protection Board.

The issues you present to us again have already been fully adjudicated by the Merit Systems Protection Board. It is the policy of the Office of Special Counsel to not investigate a matter that has been decided on the merits by the Board or the Courts. For this reason, we do not plan further action on your current complaint to this Office.

Because you have not presented new personnel actions or issues that are within our jurisdiction based on the Whistleblower Protection Act, we have made a preliminary determination to close our inquiry into your complaint. Before we actually close the file, you may submit comments concerning our determination. Your response must be in writing and should address each of the reasons we cited in reaching our preliminary determination to close your complaint. You have 16 days from the date of this letter to submit your written response. If we do not receive any comments by the end of the sixteen-day period, we

anticipate closing this file, and will send you a letter terminating the investigation and we will advise you of any further appeal rights you may have.

Sincerely,

Ellen M. Oskoui

Ellen M. Oskoui
Complaints Examiner
Complaints Examining Unit

7211 Captain Kidd Ave.
Sarasota, FL 34231-4718
12 December 2005

U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: OSC File No. MA-02-1758

Freedom of Information officer:

I need to request a copy of the OSC File Number MA-02-1758 that was acknowledged on June 19, 2002 by OSC to my Attorney Mr. Archibald T. Thomas, III. Please send this copy directly to me at the above address. THANK YOU for your time and consideration of this Freedom of Information Request. GOD BLESS! Take Care.

Sincerely,
Harry M. Schmitt (Mike)

EA-200

OSC Form 48a – CEU (Rev. 2/02)

OMB Control No. 3255-0003
(Expiration: 7/31/05)

OFFICE OF SPECIAL COUNSEL (OSC) SURVEY
(FY 2002)

Please circle the letter (a., b., c., d., etc.) that best responds to each question.
Select only one answer per question, unless you are asked to circle all answers that apply to a question.
The term "N/A" in responses to some questions means "Not Applicable."

1. *Has the federal agency where you work (or the agency where you worked most recently, if you are no longer employed by a federal agency) informed you about your rights and remedies with regard to prohibited personnel practices?*
   (a.) Yes b. No c. Do not recall. d. Never employed by a federal agency

2. *How did you first become aware that you could file a complaint with OSC?*
   (a.) OSC Web site b. OSC speaker c. OSC brochure d. OSC poster
   e. news story f. agency personnel office g. union h. co-worker
   i. other *(please describe)*: _____
   Date *(approximate)*: _____

3. *What was the subject of the allegation(s) in your complaint?* (Circle all that apply.)
   (a.) Combination of reprisal for whistleblowing and other prohibited personnel practices
   b. Reprisal for whistleblowing *only*
   c. Prohibited personnel practice *other than* reprisal for whistleblowing
   d. Hatch Act (unlawful political activity)
   e. Uniformed Services Employment and Reemployment Rights Act (USERRA)
   f. Arbitrary and capricious withholding under the Freedom of Information Act (FOIA)
   g. Other

4. *Was your complaint successfully resolved at OSC?*
   a. Yes *(Skip to question 7)* b. Partially, (c.) No d. Do not know, or N/A

COMPLAINTS (GENERAL)

5. *What reason did OSC give for closing your complaint without obtaining the relief that you sought?* (Circle all that apply.)
   a. No OSC jurisdiction over your position, the agency, or agency official(s) involved in the complaint
   b. No personnel action(s) taken by the agency involved
   c. OSC could not disprove the agency's stated reason(s) for the action(s) involved in your complaint
   d. Insufficient evidence that the action(s) involved in your complaint violated a law or regulation
   e. You or OSC settled the matter with the agency involved
   f. You declined corrective action offered by the agency involved
   g. You withdrew your complaint
   h. OSC filed a petition with the Merit Systems Protection Board (MSPB) for corrective action
   i. OSC obtained a decision in the corrective action proceeding filed with the MSPB
   (j.) Closed for further action on discrimination allegations through EEO processes
   k. After OSC's referral of the complaint to Investigation and Prosecution Divisions for field investigation, matter was resolved through the OSC Mediation Program
   l. Other
   m. Do not recall

(continued, over)

REPRISAL FOR WHISTLEBLOWING ALLEGATIONS *(If your complaint included no allegation(s) of reprisal for whistleblowing, skip to question 7.)*

6. *What reason did OSC give for closing any reprisal for whistleblowing allegation in your complaint without obtaining the relief that you sought?* (Circle all that apply.)

   a. Information that you disclosed did not appear to be a legally protected disclosure.
   b. Your disclosure occurred after the personnel action(s) involved in the allegation
   c. Insufficient proof that agency official(s) who took the action involved in the allegation knew of your disclosure
   d. Insufficient proof of connection between your disclosure and the personnel action involved in the allegation
   e. You filed an Individual Right of Action (IRA) or other appeal with the Merit Systems Protection Board (MSPB)
   (f.) Other, brother, Gary, bear false witness against me to employing agency, NOTU.
   g. Do not recall.

7. *How would you rate the service provided by OSC in each of the following areas?*

   Courtesy:
   (a) Very Satisfied b. Satisfied c. No Opinion, or N/A d. Dissatisfied e. Very Dissatisfied

   Oral Communications:
   (a) Very Satisfied b. Satisfied c. No Opinion, or N/A d. Dissatisfied e. Very Dissatisfied

   Written Communications:
   (a) Very Satisfied b. Satisfied c. No Opinion, or N/A d. Dissatisfied e. Very Dissatisfied

   Timeliness:
   (a) Very Satisfied b. Satisfied c. No Opinion, or N/A d. Dissatisfied e. Very Dissatisfied

   Results:
   a. Very Satisfied b. Satisfied c. No Opinion, or N/A d. Dissatisfied (e) Very Dissatisfied

8. *Did you file an Individual Right of Action (IRA) or other appeal with the MSPB in connection with the same events that you reported in your complaint to OSC?*
   a. Yes (b) No (Skip to question 12) c. N/A (Skip to question 12).

9. *Did you ask for the same relief that you sought from OSC?*
   a. Yes b. No c. Do not recall

10. *Were you successful at the MSPB in obtaining the same relief that you sought from OSC?*
    a. Yes b. Partially c. No d. Appeal pending

11. *If the answer to question 10 was "yes" or "partially," how did you obtain that relief?*
    a. Settlement b. Decision after hearing c. Other

12. *We invite your comments or suggestions on specific ways in which OSC could improve its service:*
    OSC needs to do more complete investigations into Reprisal for whistleblowing cases, before dismissing them. My brother, Gary Burton Schmitt, called into NOTU, employing agency, and bearing false witness against me to employing agency.

13. *OPTIONAL: You do not have to provide your name or case number below. If you do, however, the information may assist OSC in following up, as needed, on your comments or suggestions.*

    Your name: Harry Michael Schmitt (SPP-232) OSC Case Number: MA-02-1758

Thank you for taking the time to complete this survey. To return it to OSC, mail the original survey form in the enclosed business return envelope provided for survey returns only.

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
22 November 2005
FLRA Case No. AT-CA-05-0398

United States of America
Federal Labor Relations Authority
Marquis Two Tower, Suite 701
285 Peachtree Center Avenue
Atlanta, GA 30303-1270

Subj: Coercion of Mr. Harry M. Schmitt, Electronics Engineer, SPP-212, Cape Canaveral AFS, Florida

Ref: (a) Sworn Declaration of Harry M. Schmitt dated Feb. 18, 2003
(b) Sworn Statement of Ms. Milagros Vazquez dated April 7, 2005
(c) Copies of Returned Certified Mail Receipts for Calendar Year 2003
(d) Copy of Department of Labor Letter dated November 24, 2003 to Ms. Milagros Vazquez's Office
(e) Copy of United States Attorney's Office Citizen Compliant In Take Forms dated 25 June 2005 and 11 July 2005

Regional Director:

Reference (a) was sent by me to the Department of Defense Investigator, Ms. Bernita S. Townes, on February 18, 2003. Reference (b) was sent to me by Ms. Louise [illegible], SPLE-12, representing

the Navy, on 19 April 2005.

I submit references (c) and (d) to you as evidence that contradicts Ms. Milagros Vazquez's sworn statement. Ms. Milagros Vazquez's, Deputy Equal Employment Opportunity Officer, Orlando, Florida was properly notified of my NEW ADDRESS in Sarasota, Florida by me and by her own Equal Employment Opportunity Counselor, Ms. Raelene Hampton... Ms. Louise Vitale, SPLe-12, coerced Ms. Milagros Vazquez, DEEOO, into providing her a false sworn statement in order to boost her own legal argument to the Office of Federal Operations, Equal Employment Opportunity Commission in Washington, DC, regarding the Navy's Breach of Settlement. The Navy was properly notified of my change of address by me in calendar year 2003. This was not the Navy's first coercion of one of its own witnesses. The Navy first coerced, Ms. Ann B. Jones, Naval Ordnance Test Unit's Ethics Officer, into providing a false sworn statement to the Department of Defense Investigator, Ms. Bernita S. Townes, during her on site investigation of my Equal Employment Opportunity Compliants.

As a result of these above cited false sworn statements, I filed two Citizen's Compliants with the United States Attorney's office, Orlando, Florida, reference (e). Since these false sworn statements concern a criminal matter about me, I respectfully request the FLRA refer this case to the Federal Bureau of Investigation, FBI. GOD BLESS! Take Care.

Sincerely,

Attorney Mr. Schmitt (Karla)
Counselor Schmitt (Mike)

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
10 November 2005

Compliance Officer
Office of Federal Operations
Equal Employment Opportunity Commission
P.O. Box 19848
Washington, DC 20036

Subj: Coercion of Ms. Milagros Vazquez, Deputy Equal Employment Opportunity Officer, Code 734, Orlando, Florida

Ref: (a) Sworn Statement of Ms. Milagros Vazquez dated April 7, 2005
(b) Copies of Returned Certified Mail Receipts for Calendar Year 2003
(c) Copy of Department of Labor Letter dated November 24, 2003 to Ms. Milagros Vazquez's Office
(d) Copy of United States Attorney's office Citizen Complaint Intake Forms dated 25 June 2005 and 11 July 2005
(e) Copy of United States of America Federal Labor Relations Authority dated 22 July 2005 charge form

Compliance Officer:

Refecence (a) was sent to the Office of Federal Operations, EEOC, on 19 April 2005, by Ms. Louise Vitale, SPLE-12, representing the Navy.

I submit references (b) and (c) to you as evidence that contradicts Ms. Milagros Vazquez's sworn statement. Ms. Milagros Vazquez, DEEOO, Orlando, Florida was notified of my NEW ADDRESS in Sarasota, Florida by me and by her EEO Counselor, Raelene Hampton. Ms. Louise Vitale, SPLE-12, coerced Ms. Milagros Vazquez into providing her a false statement in order to boost her legal argument to the OFO, EEOC, regarding the Navy's Breach of Settlement. The Navy was properly notified of my change of address by me in calendar year 2003. This was not the Navy's first coercion of one of its own witnesses. The Navy first coerced, Ms. Ann B. Jones, Naval Ordnance Test Unit's Ethics Officer, late providing false sworn statement to Department of Defense Investigator, Ms. Benita S. Townes, during her on-site investigation of my EEO compliants.

As a result of these cited false sworn statements, I filed two Citizen Compliants and Charged the Agency, NOTU, with an UnFair Labor Practice, references (d) and (e). Since these false sworn statements concern a criminal matter about me, I respectfully request the OFO, EEOC, refer this case to the Federal Bureau of Investigation, FBI. THANK YOU for your time and consideration of this request. GOD BLESS! Take Care.

Sincerely,

Harry M. Schmitt (Mike)

Harry M. Schmitt (Mike)

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
22 November 2005

Department of the Navy
Office of General Counsel
720 Kennon Street SE
Washington, DC 20374-5012

Subj: Coercion of Ms. Milagros Vazquez, Deputy Equal Employment Opportunity Officer, Code 734, Orlando, FL

Ref: (a) Sworn Statement of Ms. Milagros Vazquez dated Apr. 7, 2005
(b) Copies of Returned Certified Mail Receipts for Calendar Year 2003
(c) Copy of United States Department of Labor Letter dated November 24, 2003 to Ms. Milagros Vazquez's EEO Office
(d) Copy of United States Attorney's Office Citizen Compliant In Take Forms dated 25 June 2005 and 11 July 2005

General Counsel:

Reference (a) was sent to the Office of Federal Operations, EEOC on 12 April 2005, by Ms. Louise Vitale, SPLE-12, representing the Navy. I submit references (b) and (c) for your review as evidence that directly contradicts Ms. Milagros Vazquez's sworn statement. Ms. Milagros Vazquez, DEEOA, NAWC TSD, Orlando,

Florida was properly notified of my NEW ADDRESS in Sarasota, Florida by me via the mail and by her own EEO Counselor, Ms. Raelene Hampton. The Navy's Representative, Ms. Louise Vitale, SPLe-12, coerced Ms. Milagros Vazquez, OEEOO, into providing her a false sworn statement in order to boost her legal argument to the OFO, EEOC, in Washington, DC regarding the Navy's Breach of Settlement. The Navy was properly notified of my Change of Address by me via Certified Mail in Calendar Year 2003.

This was not the Navy's first coercion of one of its own witnesses. The Navy first coerced, Ms. Ann B. Jones, Naval Ordnance Test Unit's Ethics Officer, into providing a false sworn statement to the Department of Defense's Investigator, Ms. Bernita S. Townes, during her on site investigation of my EEO compliants.

As a result of the Navy's false sworn statements, I filed two separate Citizen's Compliants against the Navy, reference (d). Since the Navy's false sworn statement concern a criminal matter about me, I respectfully request the General Counsel of the Navy refer this case to the Federal Bureau of Investigation, FBI. GOD BLESS! Take Care.

Sincerely,

Harry M. Schmitt (Mike)

7211 Captain Kidd Ave.
Sarasota, FL 34231-4718
October 22, 2004

File Number 062048358

US Dept. of Labor
Employment Standards Administration
Office of Workers' Compensation Programs
214 N. Hogan St., Suite 1010
Attn: Ms. Cheryl Bremer
Jacksonville, FL 32202-4235

Ms. Bremer:

I have received your letter dated October 15, 2004 regarding transfer of Federal Employee Health Benefits (FEHB) for the reason that I have returned to work. I need to inform you that I have not returned to work as of the date of this letter to you. I request the Dept. of Labor continue payment of my FEHB pending review and decision on additional documentation under reconsideration and restoration of lost wages that I will be submitting to the Dept. of Labor in the next few weeks prior to the January 25, 2005 deadline for submission. THANK YOU for your time and consideration of this request. You may reach me at telephone number (941) 923-2253 with any questions you may have regarding my request.

Sincerely,
Harry M. Schmitt (Mike)

cc: NAWG TRNG, Orlando, FL
Ms. Dinnie M. Kem, DOL, Jacksonville, FL
Dr. Scott Feem, Linda Erickson, LCSW, Sarasota, FL
GEHA, Independence, MO

PA-209

U.S. OFFICE OF
SPECIAL COUNSEL
WASHINGTON, D.C.

2002 MAR 26 AM 7:41

650 Dixon Blvd.
Apartment # 22B
Cocoa, Florida 32922-7542
March 19, 2002

U.S. Office of Special Counsel
1730 M Street N.W., Suite 300
Attn: Complaints Examining Unit
Washington D.C. 20036-4505

Ref: 1) U.S. Department of Labor Letter dated December 18, 2001.
File Number: 062048358
OD_PSY_C-O-I
2) Harry M. Schmitt Reply Letter to DOL-WCP dated February 14, 2002.

Encl: Additional DOL-WCP Requested Follow-up Documentation Response Package

Dear Sir/Madam:

I am writing this letter to you to bring to your attention a sexual harassment, intimidation and retaliation EEO compliant. In regards to the above referenced letter, I have submitted the following additional follow-up documentation to the above referenced U.S. DOL-WCP letter's remaining outstanding questions:

1) Please refer to the enclosed Follow-up package for the names, telephone numbers and business and home addresses of my office co-workers for verification purposes.
2) Yes, I have filed a Formal EEO Compliant with Ms. Milagros Vazquez, Deputy EEO Officer, NAWC TSD, Orlando, Florida. Currently, my Formal EEO Compliant is in processing by the Department of the Navy. I was assigned an EEO Counselor, Ms. Elise White, stationed at NAS Patuxent River, Maryland. The EEO Counselor has completed her informal EEO Compliant investigation. Please refer to the enclosed Follow-up package.

I need to request the appropriate compliant forms from you. You may mail the compliant forms to my above home address. If you need further information regarding my sexual harassment, intimidation and retaliation compliant, please feel free to contact me via mail to my above home address or you may contact me by telephone. My home telephone number is (321) 617-7468. I look forward to hearing from you in the near future regarding my sexual harassment, intimidation and retaliation compliant. I THANK YOU for your time, attention and assistance in my sexual harassment, intimidation and retaliation compliant.

Very Respectfully,
Harry M. Schmitt
Harry M. Schmitt
Post MSEE, PA

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

March 26, 2002

Mr. Harry M. Schmitt
650 Dixon Blvd., Apt. 22B
Cocoa, FL 32922-7542

Dear Mr. Schmitt:

I am writing in response to the information that was recently submitted to the Office of Special Counsel (OSC). In an effort to improve the complaint process, OSC regulations now require complaints of prohibited personnel practices to be submitted on a revised OSC complaint form (Form OSC-11, 12/00). The regulations implementing this change went into effect on December 1, 2000, and can be found at 5 C.F.R. § 1800.

I am enclosing a blank Form OSC-11 for your use. I am also returning the information submitted, since it may be of use to you in completing the complaint form. OSC will consider your complaint filed on the date we receive the completed Form OSC-11.

Please note that it may be necessary for OSC to return a complaint form for re-submission if it is not complete. For example, if pertinent questions are left blank or answers refer to attached documents instead of answering in the space provided. While other documents may be provided with a complaint, answers to questions on the complaint form are needed in order to accomplish our review. If you are alleging reprisal for whistleblowing, a completed form can also serve as proof of the allegations submitted to OSC in any later appeal to the Merit Systems Protection Board.

Moreover, if you are alleging discrimination based on reprisal for filing an EEOC complaint, please note that according to Office of Special Counsel regulations at 5 C.F.R. § 1810.1, it was not intended that this Office duplicate or bypass the procedures established in the agencies and the Equal Employment Opportunity Commission for resolving such allegations. Therefore, it is the general policy of the Special Counsel not to take action on such allegations, as they are more appropriately resolved through the EEO process.

PA-211

Other information about OSC, including Form OSC-11, is available at OSC's Web site (*www.osc.gov*). Please contact me at (202) 653-7188 if you have any further questions.

Sincerely,

Olivia Smith
Docket Clerk

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

June 14, 2005

Mr. Harry M. Schmitt
7211 Captain Kidd Ave
Sarasoto, FL 34231-4718

Dear Mr. Schmitt:

I am writing in response to the correspondence you recently submitted to the U.S. Office of Special Counsel. In an effort to improve the complaint process, OSC regulations now require complaints of prohibited personnel practices to be submitted on a revised OSC complaint form (Form OSC-11, 02/04). The regulations implementing this change went into effect on December 1, 2000, and can be found at 5 C.F.R. § 1800.

I am enclosing a blank Form OSC-11. I am also returning the information submitted, as it may be of use to you in completing the complaint form. OSC will consider your complaint filed on the date we receive the completed Form OSC-11.

Please note that it may be necessary for OSC to return a complaint form for re-submission if it is not complete. For example, if pertinent questions are left blank or answers refer to attached documents instead of answering in the space provided. While other documents may be provided with a complaint, answers to questions on the complaint form are needed in order to accomplish our review. If you are alleging reprisal for whistleblowing, a completed form can also serve as proof of the allegations submitted to OSC in any later appeal to the Merit Systems Protection Board.

Other information about OSC and our investigative jurisdiction, including Form OSC-11, is also available at OSC's website (www.osc.gov). Form OSC-11 can also be filed electronically through our website.

Sincerely,

Maurice Thomas

Maurice I. Thomas
Document Processing Clerk
Document Control Branch

PA-213

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

June 19, 2002

Mr. Harry M. Schmitt
c/o Mr. Archibald J. Thomas, III
1301 Riverplace Boulevard
Suite 1640, Riverplace Tower
Jacksonville, FL 32207

Re: OSC File No. MA-02-1758

Dear Mr. Schmitt:

This will acknowledge receipt of the above-referenced complaint. In the near future, a member of our staff may contact you to discuss this matter if any additional information is needed to consider this case. Please provide the telephone number where you wish to be contacted, if you have not already done so. For overseas telephone numbers, please include country codes; we do not have access to Autovon.

If you wish to write to us again concerning this matter, please include the file number listed above. We can also be reached by telephone at 202-653-7188 ext. 1810 or on our toll-free number at 1-800-872-9855. Your contact at the Office of Special Counsel is Ellen Oskoui. Enclosed is OSC's policy statement concerning the disclosure of information, which includes a disclosure consent form. If you do not sign and return one of the three consent statement options on the consent form to OSC within 20 days of the date of this letter, it will be assumed that you agree to Consent Statement I.

If this complaint alleges a violation of the prohibited personnel practice described in 5 U.S.C. § 2302(b)(8), commonly called reprisal for whistleblowing, a separate information sheet is included with this letter which includes answers to commonly asked questions and discusses the right to file a request for corrective action with the Merit Systems Protection Board. The Board's regulations concerning rights to file a corrective action case can be found at 5 C.F.R. Parts 1201-1205 and 1209.

Please bear in mind that each year OSC receives a large number of complaints concerning prohibited personnel practices. While we attempt to handle all cases as expeditiously as is possible, we generally process them in the order received.

Sincerely,

Olivia A. Smith
Docket Clerk

RA-214

INFORMATION CONCERNING REPRISAL FOR WHISTLEBLOWING

What is the Whistleblower Protection Act?

Congress enacted the Whistleblower Protection Act of 1989 (WPA) to strengthen and improve the level of protection for whistleblowers originally offered under the Civil Service Reform Act of 1978. The Act prohibits reprisals against any federal employee or job applicant who discloses illegal activities or certain wasteful activities. The Act also provides for legal sanctions against federal officials found guilty of violating those prohibitions. The U.S. Office of Special Counsel (OSC) is responsible for investigating and prosecuting instances of reprisal for whistleblowing.

Who is covered under the Whistleblower Protection Act?

With few exceptions, current employees, former employees, and applicants for employment in any agency of the Executive Branch, government corporations as defined in section 9101 of title 31, United States Code, or the Government Printing Office are protected from reprisal for whistleblowing. Current employees, former employees and applicants for employment in the Central Intelligence Agency, Defense Intelligence Agency, National Security Agency or certain other intelligence agencies designated by the President, the General Accounting Office, the U.S. Postal Service, the Postal Rate Commission and the Federal Bureau of Investigation are not protected.

What is a Prohibited Personnel Practice?

Under the law, there are eleven prohibited personnel practices, one of which is reprisal for whistleblowing. That is, it is a prohibited personnel practice for a federal official to take or threaten to take a personnel action against an employee or applicant because of a protected disclosure made by that individual. The terms "protected disclosure" and "personnel action" are explained below.

What is a Protected Disclosure?

In general, an employee or applicant makes a protected disclosure when he or she provides information that he or she reasonably believes evidences a violation of law, rule or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to the public health or safety. For example, a disclosure about the theft of government property would be considered protected, whereas a mere disagreement over the merits of a bureau reorganization would not normally be considered protected.

What is a Personnel Action?

A personnel action for the purposes of this law includes: an appointment; a promotion; an action under chapter 75 of Title 5, U.S. Code, such as a suspension, removal, or demotion; a detail, transfer, or reassignment; a reinstatement; a

650 Dixon Blvd., Apt. #228
Cocoa, Florida 32922-7542
26 January 2003

Captain William H. Borger, USN
Naval Ordnance Test Unit
P.O. Box 1623
Cape Canaveral, Florida 32920-1623

Subj: Request Copy of Standard Form 50B, Notification of Personnel Action, concerning my indefinite suspension

Captain William H. Borger:

Under the Freedom of Information Act, I need to ask you for a copy of my Standard Form 50B, Notification of Personnel Action, concerning my indefinite suspension. If I do not hear back from you in writing within 7 days from the date of this letter, I will assume that you are denying this request. THANK YOU for your time, attention and assistance in my request.

Very Respectfully,
Harry M. Schmitt
Harry M. Schmitt
Post MSEE, PA

650 Dixon Blvd.
Apartment # 22B
Cocoa, Florida 32922-7542
February 14, 2002

U.S. Department of Labor
Employment Standards Administration
Office of Workers Compensation Programs
214 North Hogan Street, Suite 1006
Jacksonville, Florida 32202

Ref: 1) U.S. Department of Labor Letter dated December 18, 2001.
File Number: 062048358
OD_PSY_C-O-I
2) Harry M. Schmitt Reply Letter to DOL-WCP dated January 11, 2002.

Encl: Additional DOL-WCP Requested Follow-up Documentation Response Package

Dear Sir/Madam:

I am writing in follow-up to your referenced letter to me. In regards to your referenced letter, I submit the following additional follow-up documentation to your letter's remaining outstanding questions:

1) Please refer to the enclosed Follow-up package for the names, telephone numbers and business and home addresses of my office co-workers for verification purposes.
2) Yes, I have filed a Formal EEO Compliant with Ms. Milagros Vazquez, Deputy EEO Officer, NAWC TSD, Orlando, Florida. Currently, my Formal EEO Compliant is in processing by the Department of the Navy. I was assigned an EEO Counselor, Ms. Elise White, stationed at NAS Patuxent River, Maryland. The EEO Counselor has completed her informal EEO Compliant investigation. Please refer to the enclosed Follow-up package.

If your office needs further information regarding my emotional condition, Please feel free to contact me via mail to my above home address or you may reach by telephone. My home telephone number is (321) 617-7468. I THANK YOU for your inquiry in my above cited workers compensation claim. I look forward to hearing from your office in the near future regarding my claim. THANK YOU for your time, attention and assistance in my workers compensation claim.

Very Respectfully,

Harry M. Schmitt

Harry M. Schmitt
Post MSEE, PA

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
20 January 2005

OWCP File No. 062048358
Date of Injury: 12/15/2000

U.S. Department of Labor
Employment Standards Administration
Office of Workers' Compensation Programs
P.O. Box 8300, District 6, Attn: Ms. Marsha Harrison, Claims Examiner
London, KY 40742-8300 PH# 904-357-4777

Ms. Marsha Harrison:

I have received your letter dated January 6, 2005 and OWCP letter dated November 8, 2004. I request Reconsideration of my OWCP case, as well as, a Merit Review of my OWCP case based upon all hardcopy evidence received by your office as of the date of this letter underlined above as 20 January 2005. THANK YOU for your time and consideration of my Reconsideration and Merit Review requests. GOD BLESS. Take Care. Again THANK YOU!

Sincerely,
Harry M. Schmitt
Harry M. Schmitt

cc: Navy, Naval Air Warfare Center TRNG, Systems Division, Code 7311 RO
12350 Research Parkway, Orlando, Florida 32826-3275
PA-218

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
23 March 2006
OWCP Case File Number 062048358
Date of Injury: 12/16/2000

United States Department of Labor
Office of Workers' Compensation Program, District 6
P.O. Box 8300, Attn: Claims Examiner
London, KY 40742-8300

Dear Claims Examiner:

I am inquiring about my Reconsideration Request Letter submitted to you on 16 June 2006. To date, I have not heard back from you concerning my Reconsideration Request letter sent to you. I would appreciate a response letter back from you concerning my Reconsideration Request Letter as soon as possible. THANK YOU for your time and help in this Reconsideration Request matter. GOD BLESS! Take Care.

Sincerely,

Harry M. Schmitt

Harry M. Schmitt

File Number: 2048358
recommoddenied-D-RECO

U.S. DEPARTMENT OF LABOR

US DOL OWCP DISTRICT 6
PO BOX 8300
LONDON, KY 40742-8300
Phone: (904) 357-4777

April 4, 2005

Date of Injury: 12/15/2000
Employee: HARRY M. SCHMITT

HARRY M SCHMITT
7211 CAPTAIN KIDD AVE
SARASOTA, FL 34231

Dear Mr. SCHMITT:

Enclosed is a decision on your request for reconsideration, explaining the basis for the determination.

We have not modified our prior decision. However, we have evaluated the evidence you submitted and have reviewed the merits of your case.

If you disagree with this decision read and follow the enclosed instructions carefully.

Sincerely,

Darryl Waters
Senior Claims Examiner

Enclosure(s): Appeal Rights, Notice of Decision

NAVY
NAVAL AIR WARFARE CENTER TRNG
SYSTEMS DIVISION CODE 7311 RD
12350 RESEARCH PKY
ORLANDO, FL 32826

7211 Captiola Kold Avenue
Sarasota, Florida 34231-4718
November 18, 2004

OWCP File #062048368
Social Security #265 35 4962
Enrollment Code 311, GEHA

Department of the Navy
Human Resources Service Center, SouthWest
Attn: Ms. Lynn D. Pagtama, Civilian Benefits
525 B Street, Suite 600
San Diego, CA 92101-4418

RE: Request for Extension of Federal Employee's Health Benefits (FEHB)

Ms. Pagtama:

I need to request extension coverage of my FEHB through your office. THANK YOU for your time and help with my FEHB coverage extension request. If you have any questions concerning this request, you may reach me at Telephone Number (941) 923-2253. Again THANK YOU for your time and help in this request.

Sincerely,

Harry M. Schmitt

Harry M. Schmitt

cc: Ms. Dinnie Aiken, DOL, Workers Compensation Programs PH# 904-357-4747 ext. 73

7211 Captain Todd Avenue
Sarasota, Fl. 34231-9718
September 8, 2005
Member ID # 265-35-4432

Supervisor of Health Benefits, Legal Dept.
Government Employees Hospital Association, Inc.
P.O. Box 1031
Independance, MO 64051-0531

Sir/Madam:

I am writing this letter to you to request GEHA's reconsideration in paying my medical and dental health claims which were terminated on January 25, 2004 when my Federal Workers' Compensation payments were terminated. Since my Federal Workers' Compensation payments is currently under Reconsideration by the Federal Department of Labor, I ask GEHA to continue paying my medical and dental health claims from the date of Health Benefit termination, namely, January 25, 2004. THANK YOU for your time and help with my Health Benefit Reconsideration Request. GOD BLESS! Take Care!

Sincerely,
Harry M. Schmitt (Mike)
Harry M. Schmitt (Mike)

cc: Mr. Archibald J. Thomas, III

United States
Office of
Personnel Management

Washington, DC 20415-0001
In Reply Refer to:
Y05312001

Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota FL 34231-4718

DEC 13

Dear Mr. Schmitt:

We have completed our review of your disputed claim with the Government Employees Hospital Association, Inc (GEHA). The dispute concerns the Plan's denial of benefits for all claims incurred after February 24, 2004. It is the Plan's position that they have received notification of termination of coverage on the form 2810 Notice of Change in Health Benefits Enrollment signed by a representative of the Office of Workers Comp. Programs on October 19, 2004. According to the form 2810 your coverage was terminated on January 25, 2004. The Plan provided the required 31 days of coverage after the termination date. It is your position that your Federal Worker's Compensation case is currently under reconsideration by the U.S. Dept of Labor. You have asked that the Office of Personnel Management (OPM) direct GEHA to pay allowable benefits for all claims incurred after the termination date of February 24, 2004.

We reviewed the facts of this case and determined that GEHA has correctly denied all claims for charges incurred after the termination date of February 24, 2004. Under the regulations governing the Federal Employee Health Benefit (FEHB) Program eligibility for active employees is determined by the agency handling the employee's payroll duties. The agency provides this information to the Plans, and the Plans adjudicate the claims accordingly. GEHA was in receipt of a valid form 2810 advising of the termination of your coverage thus; GEHA has correctly denied the claims.

While your case is under reconsideration, it may be to your advantage to contact your payroll agency to discuss what alternatives are available to you. A mutually agreeable interim solution may be possible by which the payment of premiums may reinstate your coverage, or, COBRA may be available to you. COBRA is a continuation of coverage available to employees who have lost their health insurance. However, please note that OPM has no role in these negotiations. We are only suggesting that you may wish to pursue an agreement with your agency as an interim solution while your case is being reconsidered.

We maintain the Plan's decision and *cannot* direct GEHA to provide benefits for the claims incurred after the termination of coverage on February 24, 2004. The Plan has a responsibility to provide or deny benefits in accordance with the terms, benefit coverage limitations, and exclusions contained in the 2004 brochure. Our review is based on the contract and the services in dispute. This is the final administrative review of this disputed claim by OPM. If you wish to pursue this matter further, your only recourse is to file suit against OPM in Federal District Court.

Sincerely,

Maria S. Bianchini
Insurance Claims Examiner
Insurance Services Programs

RA-223

650 Dixon Blvd., Apt. # 22B
Cocoa, Florida 32922-7542
February 17, 2002

Mr. Edwin M. Boyer, Esq.
Attorney for Family
1800 Second St., Suite 760
Sarasota, Florida 34236

Dear Mr. Boyer:

I need to make your office aware of the unacceptable behavior of my mother's guardian, Mr. Gary Burton Schmitt. I have informed Mr. Paul L. Mc Kean, Esq., Attorney for the Guardian, several times via office visits, telephone calls and a letter dated December 4, 2001 regarding my mother's guardian physically attacking me, while under the influence of unknown substances; without provocation, resulting in physician documented personal injuries, threatening physical violence against my sister's husband, Mr. Steve Neelley, and lastly the guardian's suicidal comment that he "can't wait to get to the other side and beat up dad's spirit". My mother's guardian admitted to me that he is an alcoholic and associates with known alcoholics, such as, Mr. Kevin Evans; however, my mother's guardian refuses to seek any professional help in treating his chronic alcohol and smoking addictions. In addition, my mother's guardian absolutely refuses to seek any family consulting due to the loss of his father, his father's life long alcohol addiction, and coping with his mother's dementia mental health condition. Currently, my mother's guardian is under investigation by the State Attorney on a domestic battery charge.

Currently, I have been in family consultation with Ms. Linda K Erickson, L.C.S.W., for several months now trying to cope with my father's death, my brother's chronic alcoholism and smoking additions, and my mother's dementia mental health condition. Ms. Erickson noted my dangerously high stress levels of my trying to work with my mother's guardian.

I request that you, Attorney for the Family, notify the court and all concerned parties of my intention to purchase my mother's house and rent her house out for her in her benefit. I also request that you notify the court of my request to become co-guardian in the protection of my mother's financial interest. Thank you for your time and attention in this matter.

Very Respectfully,

Harry M. Schmitt

Harry M. Schmitt

CC: Mr. John H. Myers, Esq.
Dr. Scott Franczek
Dr. Leonard Schwartzbaum

DEPARTMENT OF THE NAVY
NAVAL ORDNANCE TEST UNIT
CAPE CANAVERAL, FLORIDA 32920-1623

5000
SPP00
25 MAR 2002

From: LCDR Stevens, Naval Ordnance Test Unit
To: Mr. Harry M. Schmitt, 650 Dixon Blvd., Riverside Village Apts., North B Bldg., Apt. #22, Cocoa, FL 32922

Subj: ORDER NOT TO ENTER OR REENTER MILITARY RESERVATION

1. Mr. Bob Blankenship (Leading Edge Employee Assistance Program, Inc.) has recommended you be temporarily removed from service based on descriptions of your behavior and his discussions with Dr. Scott Permesly, M.D.

2. Based on the above, and effective immediately, you are being placed in a paid, nonduty status beginning 25 March 2002. During this period you will not suffer any loss of pay or benefits. You are also directed not to enter or reenter NOTU and associated contractor spaces until I notify you in writing that this directive has been revoked. I will reverse this direction only when I receive medical documentation from competent authority that satisfies me that you are fit for duty and are not a danger to yourself or others.

3. Leading Edge Employee Assistance Program, Inc. has scheduled you for an appointment with Dr. Permesly on Friday, 29 March 2002 at 1300. The address is:
2445 Bee Ridge Road, Sarasota, FL. This appointment will be at NOTU's expense. While your attendance at this appointment is voluntary, your failure to participate will force me to make decisions regarding your fitness for duty without the benefit of complete medical documentation.

4. By separate correspondence, I have requested that BGEN Petitt issue an Order Not to Enter or Reenter the Military Reservation (CCAFS and PAFB).

M. L. Stevens

M. L STEVENS, LCDR, USN
By direction

PA-225

7 August 2002

From: Commander Howard Miller, Executive Officer, Naval Ordnance Test Unit
To: Mr. Harold M. Schmitt, 7211 Captain Kidd Ave., Sarasota, FL 34231-4718
Via: Mr. Archibald J. Thomas, III, Suite 1640, Riverplace Tower, 1301 Riverplace Blvd., Jacksonville, FL 32207

Subj: NOTICE OF DECISION ON PROPOSED INDEFINITE SUSPENSION

Ref: (a) Notice of Proposed Indefinite Suspension dated 11 July 2002
(b) CCPO-CCINST 12752.1A
(c) SECNAVINST 5510.30A

Encl: (1) Merit Systems Protection Board (MSPB) Appeal Form

1. Reference (a) notified you of the proposal to indefinitely suspend you from duty and pay in your position as an Electronics Engineer, GS-855-12, with Strategic Systems Programs (SSP), Naval Ordnance Test Unit (NOTU), pending a final determination by the Department of the Navy, Central Adjudication Facility (DONCAF) regarding your continued ability to maintain a security clearance and eligibility for assignment to a sensitive position. In accordance with reference (b), this memorandum is to notify you of my decision to concur with the proposal and to indefinitely suspend you pending a final determination on your eligibility for a security clearance.

2. As the Deciding Official, I have carefully reviewed all the relevant facts of this case. You received the Notice of Proposed Indefinite Suspension, reference (a), on 13 July 2002. The notice informed you that you had ten calendar days to respond either orally or in writing. Your attorney responded by letter dated 23 July 2002. I received that letter on 31 July 2002. In the letter, your attorney challenged the information that was provided to DONCAF generally stating that the information was false with no additional evidence or information provided. Furthermore, your attorney did not address why your pay should not be suspended during the period that your suspended access is being reviewed at DONCAF. Pursuant to SECNAVINST 5510.30A, once an employee's access to classified information has been suspended, only DONCAF can reinstate that access. Without access to classified information, you cannot

return to this workplace. Accordingly, an indefinite suspension may be proposed and effectuated.

3. In reaching my decision to indefinitely suspend you pending a final determination by DONCAF on your eligibility for a security clearance, I have carefully reviewed the reasons set forth in reference (a) for the proposed indefinite suspension and your attorney's response. I have taken into account your length of service to this command and your performance record. However, the position to which you are assigned, Electronics Engineer, GS-855-12, requires a security clearance authorizing you to have access to classified information. Since your access has been suspended pending a final determination from DONCAF, you cannot perform the duties of your position. Given the sensitivity of the materials that you handle in regard to this country's national security, it is not possible for you to perform your job without a final decision on your eligibility for a security clearance. Therefore, I find your indefinite suspension warranted and that this decision promotes the efficiency of the service. Your indefinite suspension will remain in effect pending a final decision by DONCAF, including any related appeals process determinations. If DONCAF issues a final decision to revoke your security clearance, your indefinite suspension will remain in effect through any security clearance appeal process determinations and for a reasonable period afterward during which time a determination will be made regarding whether any further administrative action will be taken. Should DONCAF issue a decision returning your clearance and access to restricted areas, the indefinite suspension will end.

4. Your indefinite suspension from duty and pay will be effective on 13 August 2002. A Standard Form 50 will be processed to reflect this action and will be made a permanent record in your Official Personnel Folder.

5. You have the right to appeal my decision to the Merit Systems Protection Board (MSPB) within 30 calendar days after the effective date of this indefinite suspension. Any such appeal must be submitted in writing in accordance with MSPB rules and on the MSPB appeal form. An appeal form is attached as enclosure (1) for your convenience. You may file an appeal by personal delivery, mail, or by commercial facsimile ((404) 730-2767). The appeal must be addressed to:

Merit Systems Protection Board
Atlanta Regional Office
401 West Peachtree St., N.W., 10th Floor
Atlahta, Georgia 30308

6. If you have any questions concerning the procedures outlined above or other questions you may contact Mr. Michael Lozano at (407) 380-4317.

Howard Miller
Commander, USN

DEPARTMENT OF THE NAVY
NAVAL ORDNANCE TEST UNIT
CAPE CANAVERAL, FLORIDA 32920-1623

5520
SPP73/U022403008
February 25, 2003

Archibald J. Thomas, III
Suite 1640, Riverplace Tower
1301 Riverplace Boulevard
Jacksonville, FL 32207

Dear Sir,

Your request on behalf of Mr. Harry Schmitt for a 45 day extension of time to submit a written response to DON CAF is approved. The written response to DON CAF via Naval Ordnance Test Unit's Security Manager must be post marked by 16 Apr 03.

HOWARD P. MILLER
By direction

Copy to: Harry M. Schmitt
DON CAF

RA-229

DEPARTMENT OF THE NAVY
NAVAL ORDNANCE TEST UNIT
CAPE CANAVERAL, FLORIDA 32920-1523

5510
SPP01/U061802012
18 JUN 2002

From: Commanding Officer, Naval Ordnance Test Unit
To: Mr. Harry M. Schmitt, 7211 Captain Kidd Ave., Sarasota, FL 34231-4718

Subj: SUSPENSION OF ACCESS TO CLASSIFIED INFORMATION

Ref: (a) SECNAVINST 5510.30A

1. Per reference (a), you are hereby notified of the suspension of your access to classified information based upon unfavorable information received, to include:

Patterns of unstable behavior
Emotional disorders
Conduct involving questionable judgment

2. This information will be forwarded to the Department of the Navy, Central Adjudication Facility (DONCAF) for a personnel security determination, and the results will be communicated to you via the NOTU Security Manger.

3. You will be debriefed by the NOTU Security Office in accordance with reference (a).

4. Questions referencing to this suspension of access should be directed to the NOTU Security Manager, 321-853-1200.

Howard P. Miller
H. P. MILLER
By direction

Copy to:
SSP HQ Security

RA-230

DEPARTMENT OF THE NAVY
NAVAL ORDNANCE TEST UNIT
CAPE CANAVERAL, FLORIDA 32920-1623

12732
SPP70/UI21503001

FIRST ENDORSEMENT on CNO ltr 12732 Ser 09N2/3U532531
of 05 Dec 03

From: Commanding Officer, Naval Ordnance Test Unit (NOTU)
To: Mr. Harry M. Schmitt

Subj: FINAL DECISION ON REVOCATION OF SECURITY CLEARANCE, ELIGIBILITY FOR ACCESS TO SENSITIVE COMPARTMENTED INFORMATION (SCI), AND ELIGIBILITY FOR ASSIGNMENT TO A SENSITIVE POSITION

1. Delivered.

K. E. VAUGHN
By direction

PA-231

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

12732
Ser 09N2/3U532531
DEC 0 5 2003

From: Chief of Naval Operations
To: Mr. Harry M. Schmitt, SSN: 265-35-4432
Via: Commanding Officer, Naval Ordnance Test Unit, (Attn: Security Manager), PO Box 1623, Cape Canaveral, FL 32920-1623

Subj: FINAL DECISION ON REVOCATION OF SECURITY CLEARANCE, ELIGIBILITY FOR ACCESS TO SENSITIVE COMPARTMENTED INFORMATION (SCI), AND ELIGIBILITY FOR ASSIGNMENT TO A SENSITIVE POSITION

Ref: (a) Appeal ltr of 1 Oct 03
(b) SECNAVINST 5510.30A
(c) DON CAF ltr 5520 Ser 005VG88D of 17 Jun 03

Encl: (1) Applicable Personnel Security Guidelines of Appendix G, SECNAVINST 5510.30A

1. On 5 December 2003, your appeal, reference (a), was considered by the Personnel Security Appeals Board (PSAB), in accordance with reference (b). All documentation provided in conjunction with reference (a) was thoroughly reviewed by the PSAB, to include the case file upon which the Department of the Navy Central Adjudication Facility (DON CAF) based their reference (c) decision.

2. It was the decision of the PSAB to uphold the revocation of your security clearance, eligibility for access to SCI, and eligibility for assignment to a sensitive position. Your appeal failed to mitigate the following disqualifying condition(s) (DC) under the personnel security guideline(s) identified in enclosure (1):

Personal Conduct: Conduct involving questionable judgment, untrustworthiness, and unreliability, and DC a.

Emotional, Mental, and Personality Disorders: DC a, c, d.

3. Mitigation of the disqualifying condition(s) would require that you meet the following mitigating condition(s) (MC) also identified in enclosure (1):

Personal Conduct: MC a.

Emotional, Mental, and Personality Disorders: MC a, b, c.

PA-232

Subj: FINAL DECISION ON REVOCATION OF SECURITY CLEARANCE, ELIGIBILITY FOR ACCESS TO SENSITIVE COMPARTMENTED INFORMATION (SCI), AND ELIGIBILITY FOR ASSIGNMENT TO A SENSITIVE POSITION

4. This decision is final and concludes the administrative appeal process. At some future date your command, in its discretion, may decide to again recommend you for a security clearance. The DON CAF will then re-adjudicate your case, considering any new material and/or the passage of time.

M. F. Brown

M. F. BROWN
President, Personnel
Security Appeals Board

Copy to:
DIR, DON CAF
MR SCHMITT'S OPF
SSO Navy (52)

PERSONAL CONDUCT

The Concern: Conduct involving questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations could indicate that the person may not properly safeguard classified information. The following will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility.

a. Refusal to undergo or cooperate with required security processing, including medical and psychological testing; or

b. Refusal to complete required security forms, releases, or provide full, frank and truthful answers to lawful questions of investigators, security officials or other official representatives in connection with a personnel security or trustworthiness determination.

Refusal to provide complete information or cooperate with security processing will normally result in an unfavorable clearance action or administrative termination of further processing.

Conditions that could raise a security concern and may be disqualifying also include:

a. Reliable, unfavorable information provided by associates, employers, coworkers, neighbors, and other acquaintances;

b. The deliberate omission, concealment, or falsification of relevant and material facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities;

c. Deliberately providing false or misleading information concerning relevant and material matters to an investigator, security official, competent medical authority, or other official representative in connection with a personnel security or trustworthiness determination;

d. Personal conduct or concealment of information that may increase an individual's vulnerability to coercion, exploitation or duress, such as engaging in activities which, if known, may affect the person's personal, professional, or community standing or render the person susceptible to blackmail;

e. A pattern of dishonesty or rule violations; to include violation of any written or recorded agreement made between the individual and the agency.

f. Association with persons involved in criminal activity.

PERSONAL CONDUCT
(Continued)

Conditions that could mitigate security concerns include:

a. The information was unsubstantiated or not pertinent to a determination of judgment, trustworthiness, or reliability;

b. The falsification was an isolated incident, was not recent, and the individual has subsequently provided correct information voluntarily;

c. The individual made prompt, good-faith efforts to correct the falsification before being confronted with the facts;

d. Omission of material facts was caused or significantly contributed to by improper or inadequate advice of authorized personnel, and the previously omitted information was promptly and fully provided;

e. The individual has taken positive steps to significantly reduce or eliminate vulnerability to coercion, exploitation, or pressure;

f. A refusal to cooperate was based on advice from legal counsel or other officials that the individual was not required to comply with security processing requirements and, upon being made aware of the requirement, fully and truthfully provided the requested information;

g. Association with persons involved in criminal activities has ceased.

EMOTIONAL, MENTAL, AND PERSONALITY DISORDERS

The Concern: Emotional, mental, and personality disorders can cause a significant deficit in an individual's psychological, social and occupational functioning. These disorders are of security concern because they may indicate a defect in judgment, reliability or stability. A credentialed mental health professional, (e.g. clinical psychologist or psychiatrist), employed by, acceptable to or approved by the government, should be utilized in evaluating potentially disqualifying and mitigating information fully and properly, and particularly for consultation with the individual's mental health care provider.

Conditions that could raise a security concern and may be disqualifying include:

a. A opinion by a credentialed mental health professional* that the individual has a condition or treatment that may indicate a defect in judgment, reliability, or stability;

b. Information that suggests that an individual has failed to follow appropriate medical advice relating to treatment of a condition, e.g., failure to take prescribed medication;

c. A pattern of high-risk, irresponsible, aggressive, anti-social or emotionally unstable behavior;

d. Information that suggests that the individual's current behavior indicates a defect in his or her judgment or reliability.

Conditions that could mitigate security concerns include:

a. There is no indication of a current problem;

b. Recent opinion by a credentialed mental health professional that an individual's previous emotional, mental, or personality disorder is cured, under control or in remission, and has a low probability of recurrence or exacerbation;

c. The past emotional instability was a temporary condition (e.g., one caused by a death, illness, or marital breakup), the situation has been resolved, and the individual is no longer emotionally unstable.

---

1 Under the provisions of 10 U.S.C. 986, any person who is mentally incompetent, as determined by a credentialed mental health professional approved by the Department of Defense, may not be granted or have renewed their access to classified information.

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
November 15, 2004

Equal Employment Opportunity Commission
One Biscayne Tower
Attn: Judge Patrick A. Kekenge
South Biscayne Blvd., Suite 2700
Miami, Florida 33131

Re: Settlement
Schmitt vs. Secretary of the Navy
DON No. 02-62841-001 & 02-62841-002

Judge Kekenge:

I need to inform you that I am still waiting on the Navy to fulfill the Equal Employment Opportunity Commission's Court directed settlement. I have left messages with Mr. Jerome Davis which he said he passed on to the command, but to date I have not received any response back from Captain Jeffrey L. Gernand. THANK YOU for your time and help in this settlement matter.

Sincerely,
Harry M. Schmitt

Harry M. Schmitt

cc: Captain Jeffrey L. Gernand

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Miami District Office

One Biscayne Tower
2 South Biscayne Blvd, Suite 2700
Miami, FL 33131
(305) 536-4495
TTY (305) 536-5721
FAX (305) 536-4011

December 8, 2004

Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

Re: Your Letter dated November 15, 2004

Dear Mr. Schmitt:

This is to respond to your letter which was received in this office on November 16, 2004. In your letter, you advise that the terms of the settlement agreement reached in your complaint have not been met.

Please be advised that the undersigned lacks jurisdiction to entertain complaints alleging breach of settlement. The proper manner in which to raise concerns over compliance with a settlement agreement is set forth at 29 CFR Section 1614.504(a). As noted in this provision, "if the Complainant believes that the agency has failed to comply with the terms of a settlement agreement or decision, the complainant shall notify the EEO Director, in writing, of the alleged noncompliance within 30 days of when the complainant knew or should have known of the alleged noncompliance."

Based on the above provision, you must notify the EEO Director at your facility of the alleged noncompliance. In the event that timeliness becomes an issue, I am returning your letter with our date stamp affixed. This document may help establish when you sought to raise your allegation of noncompliance with a settlement agreement.

I trust this information is responsive to your needs. Further guidance, including the full text of the EEOC regulations as set forth in Title 29 CFR Part 1614 and Management Directive 110, is available at www.eeoc.gov.

Sincerely,

Kimberly A. Jacobo Jones
Administrative Judge

encl: Original Correspondence

RA-238

Schmitt, Mike

From: Hyatt, William E
Sent: Wednesday, August 23, 2000 8:14 AM
To: Barker, William ; Calvillo, Paulo Apolonio; Cherepon, David C; Crees, John Henry; Schmitt, Mike; Dimpsey, James R; Dodson, Shawn Robert; Eberle, Robert Oswald; Hunnicutt, William Bryan; 'Hyatt, Debbie'; 'Hyatt, Raquel'; Link, Galen ; Peeler, Jeffery William; Pitron, John Edward; Plemmons, Denny W; Powell, Donald W; Rudge, Richard J; Thompson, Bob.
Subject: FW: Ready to have children?

Thank You
Bill Hyatt

LOCKHEED MARTIN

Space Systems
Field Operations Engineering
"Count On Me"!
Cocoa Beach, Fl
321-784-6738

-----Original Message-----
From: Heffelfinger, Rick K
Sent: Wednesday, August 23, 2000 7:56 AM
To: Burleigh, Ronald; Dunn, Cori; Hyatt, William; Jacobus, Richard; Maccarone, D; Messler, Roger; Montgomery, James; Musgraves, Michael; Palmer, William; Sutton, Clifford
Subject: FW: Ready to have children?

HOW TO KNOW WHETHER OR NOT YOU ARE READY TO HAVE CHILDREN:

MESS TEST
Smear peanut butter on the sofa and curtains. Place a fish stick behind the couch and leave it there all summer.

TOY TEST
Obtain a 55 gallon box of Legos (or you may substitute roofing tacks). Have a friend spread them all over the house. Put on a blindfold. Try to walk to the bathroom or kitchen. No screaming allowed, as this would wake a child at night.

GROCERY STORE TEST
Borrow one or two small animals (goats are best) and take them with you as you shop. Always keep them in sight and pay for anything they eat or damage.

DRESSING TEST
Obtain one large, unhappy, live octopus. Stuff into a small net bag making sure that all the arms stay inside.

FEEDING TEST
Obtain a large plastic milk jug. Fill halfway with water. Suspend from the ceiling with a cord. Start the jug swinging. Try to insert spoonfuls of soggy cereal into the mouth of the jug, while pretending to be an airplane. Now dump the contents of the jug on the floor.

NIGHT TEST
Prepare by obtaining a small cloth bag and fill it with 8-12 pounds of sand. Soak it thoroughly in water. At 3:00p.m. begin to waltz and hum with the bag until 9:00p.m. Lay down your bag and set

BEST AVAILABLE COPY

your alarm for 10:00p.m. [illegible], pick up your bag, and sing every song you have ever heard. Make up about a dozen more songs and sing these too until 4:00a.m. Set alarm for 5:00a.m. Get up and make breakfast. Keep this up for 5 years. Look cheerful.

INGENUITY TEST
Take an egg carton. Using a pair of scissors and pot of paint, turn it into an alligator. Now take a toilet paper tube and turn it into an attractive Christmas candle. Use only scotch tape and a piece of foil. Last, take a milk carton, a ping-pong ball, and an empty box of Cocoa Puffs. Make an exact replica of the Eiffel Tower.

AUTOMOBILE TEST
Forget the BMW and buy a station wagon. Buy a chocolate ice cream cone and put it in the glove compartment. Leave it there. Get a dime. Stick it into the cassette player. Take a family size package of chocolate chip cookies. Mash them into the back seat. Run a garden rake along both sides of the car. There; perfect!

PHYSICAL TEST (Women)
Obtain a large beanbag chair and attach it to the front of your clothes. Leave it there for 9 months. Now remove 10 of the beans.

PHYSICAL TEST (Men)
Go to the nearest drug store. Set your wallet on the counter. Tell the clerk to help himself. Now proceed to the nearest food store. Go to the head office and arrange for your paycheck to be directly deposited to the store. Purchase a newspaper. Go home and read it quietly for the last time.

FINAL ASSIGNMENT
Find a couple who already have a small child. Lecture them on how they can improve their discipline, patience, tolerance, toilet training and child's table manners. Emphasize to them that they should never allow their children to run wild. Enjoy this time since you will never have all the answers again.

Improper Office Mail, I Told my supervisor's associates through E-Mail discipline policy procedures in effect at the time by NOTUS MIS that I was not interested in these types of E-Mails.

U.S. OFFICE OF
SPECIAL COUNSEL
WASHINGTON, D.C.

2002 MAR 26 AM 7:41

650 Dixon Blvd.
Apartment # 22B
Cocoa, Florida 32922-7542
March 19, 2002

U.S. Office of Special Counsel
1730 M Street N.W., Suite 300
Attn: Complaints Examining Unit
Washington D.C. 20036-4505

Ref: 1) U.S. Department of Labor Letter dated December 18, 2001.
File Number: 062048358
OD_PSY_C-O-I
2) Harry M. Schmitt Reply Letter to DOL-WCP dated February 14, 2002.

Encl: Additional DOL-WCP Requested Follow-up Documentation Response Package

Dear Sir/Madam:

I am writing this letter to you to bring to your attention a sexual harassment, intimidation and retaliation EEO compliant. In regards to the above referenced letter, I have submitted the following additional follow-up documentation to the above referenced U.S. DOL-WCP letter's remaining outstanding questions:

1) Please refer to the enclosed Follow-up package for the names, telephone numbers and business and home addresses of my office co-workers for verification purposes.
2) Yes, I have filed a Formal EEO Compliant with Ms. Milagros Vazquez, Deputy EEO Officer, NAWC TSD, Orlando, Florida. Currently, my Formal EEO Compliant is in processing by the Department of the Navy. I was assigned an EEO Counselor, Ms. Elise White, stationed at NAS Patuxent River, Maryland. The EEO Counselor has completed her informal EEO Compliant investigation. Please refer to the enclosed Follow-up package.

I need to request the appropriate compliant forms from you. You may mail the compliant forms to my above home address. If you need further information regarding my sexual harassment, intimidation and retaliation compliant, please feel free to contact me via mail to my above home address or you may contact me by telephone. My home telephone number is (321) 617-7468. I look forward to hearing from you in the near future regarding my sexual harassment, intimidation and retaliation compliant. I THANK YOU for your time, attention and assistance in my sexual harassment, intimidation and retaliation compliant.

Very Respectfully,
Harry M. Schmitt
Harry M. Schmitt
Post MSEB, PA

PA-241

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 201
Washington, D.C. 20036-4505

June 24, 2002

Archibald J. Thomas, III, Esquire
Law Office
Riverplace Tower, Suite 1640
Jacksonville, FL 32207

Re: OSC File No. MA-02-1758 (Mr. Harry M. Schmitt)

Dear Mr. Thomas:

We have completed our review of your complaint on behalf of Mr. Schmitt against managers of the Naval Ordnance Test Unit at Cape Canaveral. You alleged that he was placed on administrative leave (with pay) and debarred from the military base because of his whistleblowing activity that is protected under 5 U.S.C. § 2302(b)(8). You also alleged that it constituted discrimination. We have thoughtfully reviewed the information you provided and based on our review and our evaluation of the facts and law applicable to your circumstances, we have made a preliminary determination to close our inquiry into this matter for the reasons we now detail.

The Office of Special Counsel is authorized to investigate allegations of prohibited personnel practices and activities prohibited by civil service law, rule, or regulation. 5 U.S.C. sections 1214(a)(1)(A), 1216(a) and 2302(b).

You alleged that a reason for the placement of Mr. Schmitt on leave on March 25, 2002, was his whistleblowing activity in January 2001. You claimed protection for him under 5 U.S.C. § 2302(b)(8). Under the Whistleblower Protection Act of 1989, (WPA) it is a violation of 5 U.S.C. § 2302(b)(8) to take or fail to take, or to threaten to take or fail to take a personnel action with respect to any employee or applicant because of any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences: (1) a violation of law, rule, or regulation; (2) gross mismanagement; (3) a gross waste of funds; (4) an abuse of authority; or (5) a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law, or specifically required by Executive Order to be kept secret.

Section 2302(b)(8) prohibits an official with personnel action authority from taking, failing to take, or threatening to take or fail to take a personnel action because an employee made "protected disclosures" of information. In order for OSC to establish a violation of 5 U.S.C. § 2302(b)(8) we must be able to show: (1) he made a "protected disclosure" of information, (2) a personnel action was taken, not taken, or

threatened, (3) the official who took, failed to take, or threatened the personnel action knew about his "protected disclosure" and (4) the official took, failed to take, or threatened the personnel action because of his "protected disclosure." A "protected disclosure" is one that the discloser had a reasonable basis to believe evidenced (1) a violation of law, rule or regulation, (2) gross mismanagement, (3) a gross waste of funds, (4) an abuse of authority, or (5) a substantial and specific danger to public health or safety. A disclosure is reasonably based if a "disinterested observer" with knowledge of the essential facts known to and readily ascertainable by the discloser could reasonably conclude that the actions of the agency evidenced one of the conditions set forth in 5 U.S.C. § 2302(b)(8). *LaChance v. White,* 174 F. 3d. 1378 (Fed. Cir. 1999).

We do not believe that we would be able to prove that there was a causal connection between Mr. Schmitt's claimed whistleblowing and his placement on administrative leave and debarment from the military installation. We believe that the agency has stated a reasonable basis for its actions. For this reason we are not justified in authorizing further investigation of a possible violation under 5 U.S.C. § 2302(b)(8).

Mr. Schmitt has also alleged sexual harassment. Such discrimination and reprisal for filing discrimination complaints constitute prohibited personnel practices under 5 U.S.C. §§ 2302(b)(1) and (b)(9). As noted in OSC's regulation at 5 C.F.R. § 1810.1, however, it was not intended that this Office duplicate or bypass the procedures established in the agencies and the Equal Employment Opportunity Commission for resolving such allegations. It is the policy of the Special Counsel not to take action on such allegations as they are more appropriately resolved through the EEO process. Therefore, we are unable to take further action on Mr. Schmitt's allegation of discrimination.

As indicated above, we have made a preliminary determination to close our inquiry into this complaint Before we actually close the file, you may submit comments concerning our determination. Your response must be in writing and should address each of the reasons we cited in reaching our preliminary determination to close your complaint. You have 16 days from the date of this letter to submit your written response. If you also wish to discuss this matter with me by phone, please let me know in your written comments that you wish to have such a discussion. We will then establish a mutually agreeable time for a phone call to be held soon thereafter. If we do not receive any comments by the end of the sixteen-day period, we anticipate closing this file, and will send you a letter terminating the investigation and advising you of any

additional rights Mr. Schmitt may have.

Sincerely,

Ellen M. Oskoui

Ellen M. Oskoui
Complaints Examiner
Complaints Examining Unit

PA-244

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

SEP 1 2 2005

Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

Re: OSC File No. MA-05-2634

Dear Mr. Schmitt:

This responds to your complaint against managers of the Naval Ordnance Test Unit at Cape Canaveral, Florida, your former employers. We have reviewed the information you provided. It is not clear to us from this information what in your situation presents a new issue that is within our jurisdiction. You have not described what appears to be a prohibited personnel practice that is different from issues you have raised with the OSC previously which we have reviewed. Based on our consideration of the information you provided and the law applicable to your circumstances, we have made a preliminary determination to close our inquiry into this matter.

The Office of Special Counsel is authorized to investigate allegations of prohibited personnel practices and activities prohibited by civil service law, rule, or regulation. 5 U.S.C. sections 1214(a)(1)(A), 1216(a) and 2302(b).

You will remember that in the past we made a review of your allegations of whistleblower reprisal and other prohibited personnel practices but found no basis for further action on these matters. We closed our file on your past actions and advised you of your appeal rights to the Merit Systems Protection Board.

The issues you present to us again have already been fully adjudicated by the Merit Systems Protection Board. It is the policy of the Office of Special Counsel to not investigate a matter that has been decided on the merits by the Board or the Courts. For this reason, we do not plan further action on your current complaint to this Office.

Because you have not presented new personnel actions or issues that are within our jurisdiction based on the Whistleblower Protection Act, we have made a preliminary determination to close our inquiry into your complaint. Before we actually close the file, you may submit comments concerning our determination. Your response must be in writing and should address each of the reasons we cited in reaching our preliminary determination to close your complaint. You have 16 days from the date of this letter to submit your written response. If we do not receive any comments by the end of the sixteen-day period, we

anticipate closing this file, and will send you a letter terminating the investigation and we will advise you of any further appeal rights you may have.

Sincerely,

Ellen M. Oskoui

Ellen M. Oskoui
Complaints Examiner
Complaints Examining Unit

U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

September 29, 2005

Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

Re: OSC File No. MA-05-2634

Dear Mr. Schmitt:

The purpose of this letter is to notify you that you have a right to seek corrective action from the Merit Systems Protection Board (MSPB). As we informed you in our closure letter of this date, we have terminated our inquiry into your allegations. Because you alleged that you have been a victim of the prohibited personnel practice described in 5 U.S.C. § 2302(b)(8), commonly called reprisal for whistleblowing, you may have the following rights.

You may seek corrective action from the MSPB under the provisions of 5 U.S.C. §§ 1214(a)(3) and 1221 (individual right of action) for any personnel action taken or proposed to be taken against you because of a protected disclosure that was the subject of your complaint to this office. You may file a request for corrective action with the MSPB within 65 days after the date of this letter.

The Merit Systems Protection Board regulations concerning rights to file an individual right of action with the Board can be found at 5 C.F.R., parts 1201-1206 and 1209. If you choose to file such an appeal you should submit this letter to the Board as part of your appeal.

Sincerely,

Ellen M. Oskoui

Ellen M. Oskoui
Complaints Examiner
Complaints Examining Unit

PA-247

U.S. MERIT SYSTEMS PROTECTION BOARD
Washington Regional Office
1800 Diagonal Road, Suite 205
Alexandria, VA 22314-2840
Phone: 703-756-6250; Fax: (703) 756-7112

December 15, 2005

Harry M Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231

Dear Mr. Schmitt:

This is in reference to your correspondence, which was received in the Washington Regional Office on December 11, 2005.

The Merit Systems Protection Board (Board) is a quasi-judicial agency which hears appeals regarding adverse personnel actions against Federal Government employees. Its appellate jurisdiction includes: (1) removal or reduction in grade of competitive or preference eligible employees; (2) denial of within-grade step increases; (3) suspensions for more than 14 days, or furloughs for 30 days or less; (4) certain action relating to the Senior Executive Service; (5) actions otherwise appealable to the Board involving an allegation of discrimination; (6) determinations relating to disability retirement, health insurance and annuities; (7) those actions for which jurisdiction may be granted by regulations of the Office of Personnel Management. The Board is prohibited by law from providing advisory opinions.

Additionally, the Whistleblower Protection Act of 1989 (Public Law 101-12) gave the Board authority to decide Individual Right of Action (IRA) appeals. These are appeals raising claims of retaliation for whistleblowing.

Regulations governing the Board's practices and procedures are contained in the Code of Federal Regulations at 5 CFR 1201 and 1209. If you believe that you have basis for an appeal, you may file an appeal form with this office. Should you decide that you wish to file an IRA appeal, please note the requirements in 5 CFR § 1209.7(a).

The Office of the Special Counsel, a separate agency, has investigative and prosecutorial jurisdiction over certain activities prohibited under civil service law or regulation. If you believe your concerns fall within the Special Counsel's

Merit Systems Protection Board

-- Designation of Representative --
Please print or type:

APPELLANT'S NAME: HARRY M. SCHMITT
AGENCY NAME: DEPARTMENT OF THE NAVY
DOCKET NUMBER: AT-1221-05-0958-W-1

The parties may use this form or a similar document to designate any organization or individual to represent them before the Board. (Appellants representing themselves do not need to submit a designation of representative). The choice of representative must not result in a conflict of interest for the organization or person chosen. Each party must make all arrangements for representation. The Board does not designate a representative for any party to this appeal. The representative(s) must be able to proceed promptly. Normally, continuances or extensions of time will not be granted if the appellant or agency delays in seeking or arranging representation, if the representative cannot proceed in a timely manner, or for changes in representative(s). Despite the designation of representative, the parties remain personally responsible for prosecuting the case in a timely manner.

The purpose of the representative is to assist and counsel the appellant or agency in the preparation, presentation, or defense of the appeal. The representative appears with, or for, the party at hearings, settlement negotiations, or other proceedings before the Board. The representative has the authority to settle the appeal. Any limitation on the representative's settlement authority must be filed in writing with the Board. By designating a representative, you agree to allow the Board to disclose to your representative all information concerning the appeal.

DESIGNATION: The individual or organization named below is hereby designated to represent the

Appellant ☒
Agency ☐

in connection with this appeal before the Board. This individual or organization is to be served copies of all communications concerning this appeal from the Board or from the other party(ies). The address and telephone number of the representative provided below must be correct and specific to ensure that mail or other communications are received promptly. Any change or cancellation of this designation must be provided, in writing, to the Board, and to the other party(ies).

Name of Representative: Archibald J. Thomas, III
Address: 1301 Riverplace Blvd.
Riverplace Tower, Suite 1640
City: Jacksonville State: FL Zip Code 32207
Telephone No.: (904)396-2322 FAX: (904)398-3271 Other(E-Mail): wwe.jaxrights.com
Signature of Appellant/Agency Official: Harry Michael Schmitt Date: 26 Sept. 2005
Representative's Signature: _____ Date: _____

RETURN THIS FORM TO THE BOARD OFFICE WHERE THE APPEAL IS PENDING. PROVIDE A COPY TO THE OTHER PARTY(IES). BOARD REGULATIONS REQUIRE THAT COPIES OF ALL COMMUNICATIONS MUST BE SERVED ON THE OTHER PARTY(IES).

PA-249

U.S. MERIT SYSTEMS PROTECTION BOARD
Office of the Clerk of the Board
1615 M Street, N.W.
Washington, D.C. 20419-0002
Phone: 202 653 7200; Fax: 202 653 7130; E-Mail: mspb@mspb.gov

February 9, 2006

Notice to:

Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

Re: Harry M. Schmitt v. Department of the Navy
MSPB Docket No. AT-1221-05-0958-W-1

The Board acknowledges February 7, 2006 as the filing date of your petition for review. The other party(s) may file a response, or file a cross petition for review, on or before March 4, 2006. A cross petition for review differs from a response because it also disagrees with the initial decision. If a cross petition for review is filed, any response must be filed within 25 days after the date of service of the cross petition. The filing date is the date a document is postmarked, if mailed, or the date the document is received by the Office of the Clerk if personally delivered or sent by facsimile, or the date of electronic submission if filed via e-Appeal.

The record closes when the time period ends for filing a response to the petition for review or to the cross petition. After the record closes, the Board may consider an additional submission only if the submission includes a statement that convinces the Board why the submission was not available earlier. 5 C.F.R. § 1201.114(i).

The Board encourages settlement. If the parties settle and they enter a written settlement agreement into the record, the Board will enforce the terms. The Board has no enforcement authority over settlement agreements that are not entered into its record.

Bentley M. Roberts, Jr.
Clerk of the Board

Jacquelin Wilson
Paralegal Specialist

Attachment: Settlement Program Information

PA-250

650 Dixon Blvd.
Apartment # 22B
Cocoa, Florida 32922-7542
February 14, 2002

U.S. Department of Labor
Employment Standards Administration
Office of Workers Compensation Programs
214 North Hogan Street, Suite 1006
Jacksonville, Florida 32202

Ref: 1) U.S. Department of Labor Letter dated December 18, 2001.
File Number: 062048358
OD_PSV_C-O-I
2) Harry M. Schmitt Reply Letter to DOL-WCP dated January 11, 2002.

Encl: Additional DOL-WCP Requested Follow-up Documentation Response Package

Dear Sir/Madam:

I am writing in follow-up to your referenced letter to me. In regards to your referenced letter, I submit the following additional follow-up documentation to your letter's remaining outstanding questions:

1) Please refer to the enclosed Follow-up package for the names, telephone numbers and business and home addresses of my office co-workers for verification purposes.
2) Yes, I have filed a Formal EEO Compliant with Ms. Milagros Vazquez, Deputy EEO Officer, NAWC TSD, Orlando, Florida. Currently, my Formal EEO Compliant is in processing by the Department of the Navy. I was assigned an EEO Counselor, Ms. Elise White, stationed at NAS Patuxent River, Maryland. The EEO Counselor has completed her informal EEO Compliant investigation. Please refer to the enclosed Follow-up package.

If your office needs further information regarding my emotional condition, Please feel free to contact me via mail to my above home address or you may reach by telephone. My home telephone number is (321) 617-7468. I THANK YOU for your inquiry in my above cited workers compensation claim. I look forward to hearing from your office in the near future regarding my claim. THANK YOU for your time, attention and assistance in my workers compensation claim.

Very Respectfully,

Harry M. Schmitt

Harry M. Schmitt
Post MSEE, PA

File Number: 062048358
FF-O-

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMPENSATION PROGRAMS
PO BOX 8300 DISTRICT 6
LONDON KY 40742-8300
Phone: (904) 357-4777

November 13, 2002

Date of Injury: 12/15/2000
Employee: Harry Schmitt

NAVY
NAVAL AIR WARFARE CENTER TRNG
SYSTEMS DIVISION CODE 7311 JC
12350 RESEARCH PKY
ORLANDO, FL 32826

Dear Sir/Madam:

I am responding to your 10/3/02 letter of challenge concerning the compensation case of Harry Schmitt.

We reviewed the documents enclosed with your letter and were unable to locate the official investigation results regarding the other matters that Mr. Schmitt was probed about. Please forward a copy when available.

Since you have placed him on a non-pay status pending results of an internal investigation possibly related to the one compensable incident, we have placed Mr. Schmitt on the compensation rolls.

A field nurse should soon be assigned to the case to assist in returning him to work.

Sincerely,

Alida V. Anderson

Alida V. Anderson
Senior Claims Examiner

HARRY M. SCHMITT
650 DIXON BLVD APT 22B
COCOA, FL 32922

PA-252

U.S. DEPT. OF LABOR, OWCP/ESA
DFEC CENTRAL MAILROOM - DISTRICT 6
PO BOX 8300
LONDON, KY 40742-8300

FILE NUMBER 062048358

THE ENCLOSED BILL(S) CANNOT BE PROCESSED FOR PAYMENT FOR THE FOLLOWING REASON(S):

____ Charges must be submitted on Form HCFA-1500. Complete fully, with original signature at block 25.

____ Charges must be submitted on Form UB-82.

____ Itemization by date and service is required.

____ Need 9 digits Federal Tax Identification Number of provider(s).

____ CPT code(s) are missing / need correction.

____ Provide name of drug(s) prescribed.

____ Need supporting medical report ___ admission /discharge summary.

____ Services are not related to accepted condition of _____

____ The claim has not yet been adjudicated. Bills may be resubmitted if claim is accepted.

____ Case is denied / closed.

____ Charges were reduced according to the OWCP Fee Schedule. Payments must be accepted as payment in full.

____ We have no record of an injury corresponding to dates of service / condition for which service was rendered.

____ Bills must have injury compensation file number, *which can be obtained from the employee or employing agency.*

____ Need provider's name and address.

____ The case file number you provided is invalid.

____ Other: *Please include the case file number in block 62 of UB-92 form*

Please include the case file number in block 11 of 1500 form

✓ We need verification of payment for each date of service you want to be reimbursed for. Ex: The cancelled PA-253 receipt or verifica-

NAME Cmj

12/11/02
DATE

U.S. DEPARTMENT OF LABOR

File Number: 062048358
6048-O-COP

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMPENSATION PROGRAMS
PO BOX 8300 DISTRICT 6
LONDON KY 40742-8300
Phone: (904) 357-4777

December 20, 2002

Date of Injury: 12/15/2000
Employee: Harry Schmitt

Office of Disability Determinations
P.O. Box 144040
Orlando, FL 32814-4040

Dear Sir/Madam:

This is in response to the request from the Office of Disability Determinations dated November 15, 2002, for copies of certain records from the subject case file. The enclosed copies of medical records are furnished in compliance with your request. I do not believe we have any records pertaining to "fraud investigations." Your attention is directed to the following . . .

PRIVACY ACT NOTICE

The enclosed information is covered by the Privacy Act and must be handled consistent with the responsibilities imposed by that Act.

First, access to the information should be restricted to those who need to have it. Individual reviewers who do not need all of the information should receive only those portions which they require. The information should be considered confidential and handled accordingly; the recipient must control access to the material and be able to account for all copies of it.

Secondly, the information must be used in ways that are consistent with the purpose for which it was collected. The Department of Labor, as the collecting agency, specifies which uses are allowed, and they are described in detail in the "Routine Uses" section of the Systems of Record Notice DOL/ESA-13, published in the *Federal Register*. These uses include disclosure to agencies for purposes related to compensation and/or adjudication of the claim. The information may also be used to address health and safety issues.

Inquiries regarding routine uses of the information and other requirements of the Privacy Act should be directed to the Branch of Regulations and Procedures, ESA/OWCP/DFEC, U. S. Department of Labor, 200 Constitution Ave. N.W., Rm. S-3229, Washington, D.C. 20210. The phone number is (202) 219-8463.

Sincerely,

Kristina Oettel-Clark

Kristina Oettel-Clark
Claims Examiner

Enclosures to addressee: Medical records, as noted above

PA-254

File Number: 062048358
JAXLETTER32-O-O

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMPENSATION PROGRAMS
PO BOX 8300 DISTRICT 6
LONDON KY 40742-8300
Phone: (904) 357-4777

June 24, 2003

Date of Injury: 12/15/2000
Employee: Harry Schmitt

HARRY M. SCHMITT
650 DIXON BLVD APT 22B
COCOA, FL 32922

Dear Mr. Schmitt:

This is to advise you of the effect of your work-related injury on your employment status. According to our records, to date, you have not returned to any type of work.

Without a total recovery (that is, the ability to return to regular work) within one year of the date that wage loss began, the Office of Workers' Compensation Programs (OWCP) will begin the next stage of the rehabilitation effort once medical evidence indicates you can return to at least some type of limited duty. If no limited duty is available for you with your employing agency, your rehabilitation program will move into a stage called Plan Development, where we will assist you in preparing for other employment. This work may be with another Federal agency, but it will probably be with a private employer. This process will likely require that you be retrained, or that skills you already have be further developed.

When you are medically ready, OWCP will make every effort to identify your vocational strengths and aptitudes, prepare you for employment in a specified job, and aid in placement. Your full cooperation is expected in returning to work, whether with another Federal agency or in the private sector. OWCP will continue to monitor your medical status throughout this process.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Kristina Oettel-Clark
Claims Examiner

Cc:

NAVY
NAVAL AIR WARFARE CENTER TRNG
SYSTEMS DIVISION CODE 7311 RD
12350 RESEARCH PKY
ORLANDO, FL 32826

7211 Captain Kidd Avenue
Sarasota, FL 34231-4718
March 2, 2004

File Number: 062048358

RECONSIDERATION REQUEST
DOL DFEC Central Mailroom
P.O. Box 8300
London, KY 40742-8300

Dear Sir/Madam:

I request reconsideration of the wage loss compensation benefit, which was terminated on January 25, 2004, based upon the Department of Labor's letter dated November 12, 2002. This DOL letter stated the conditions under which wage loss compensation would be continued during my search for suitable employment, once I became medically able to seek employment. Per the instructions on seeking employment, contained in this DOL letter, I have register with the Florida State Employment Office a.k.a. Jobs Etc.; and, I am enclosing the records on my efforts to obtain suitable employment in this letter. Per the conditions set forth in this DOL letter, I will continue to periodically keep the DOL informed on my efforts to obtain suitable employment. I have complied with DOL's instructions set forth for seeking suitable employment to the best of my new improved condition; and therefore, I request the DOL reconsider its recent decision and allow continuation of wage loss compensation, so that, I may be given and afforded every reasonable chance of be able to successfully find suitable employment.

Sincerely,

Harry M. Schmitt

Harry M. Schmitt

Encl.

RA-256

7211 Captain Kidd Ave.
Sarasota, FL 34231-4718
October 22, 2004

File Number 062048358

US Dept. of Labor
Employment Standards Administration
Office of Workers' Compensation Programs
214 N. Hogan St., Suite 1010
Attn: Ms. Cheryl Bremer
Jacksonville, FL 32202-4235

Ms. Bremer:

I have received your letter dated October 15, 2004 regarding transfer of Federal Employee Health Benefits (FEHB) for the reason that I have returned to work. I need to inform you that I have not returned to work as of the date of this letter to you. I request the Dept. of Labor continue payment of my FEHB pending review and decision on additional documentation under reconsideration and restoration of lost wages that I will be submitting to the Dept. of Labor in the next few weeks prior to the January 25, 2005 deadline for submission. THANK YOU for your time and consideration of this request. You may reach me at telephone number (941) 923-2253 with any questions you may have regarding my request.

Sincerely,
Harry M. Schmitt (Mike)

cc: NAWC TRNG, Orlando, FL
Ms. Dinnie M. Kem, DOL, Jacksonville, FL
Dr. Scott Fenwick, Linda Erickson, LCSW, Sarasota, FL
OEHA, Independence, MO

File Numbe[illegible]2048358
reconmoddenied-D-RECO

U.S. DEPARTMENT OF LABOR

US DOL OWCP DISTRICT 6
PO BOX 8300
LONDON, KY 40742-8300
Phone: (804) 357-4777

April 4, 2005

Date of Injury: 12/15/2000
Employee: HARRY M. SCHMITT

HARRY M SCHMITT
7211 CAPTAIN KIDD AVE
SARASOTA, FL 34231

Dear Mr. SCHMITT:

Enclosed is a decision on your request for reconsideration, explaining the basis for the determination.

We have not modified our prior decision. However, we have evaluated the evidence you submitted and have reviewed the merits of your case.

If you disagree with this decision read and follow the enclosed instructions carefully.

Sincerely,

Darryl Waters
Senior Claims Examiner

Enclosure(s): Appeal Rights, Notice of Decision

NAVY
NAVAL AIR WARFARE CENTER TRNG
SYSTEMS DIVISION CODE 7311 RD
12350 RESEARCH PKY
ORLANDO, FL 32826

PA-258

File Number: [redacted]048358
Employee: HARRY M. SCHMITT
Date: April 21, 2006

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMP PROGRAMS

PO BOX 8300 DISTRICT 6 JAC
LONDON, KY 40742-8300
Phone: (904) 357-4777

April 21, 2006

Date of Injury: 12/15/2000
Employee: HARRY M. SCHMITT

HARRY M SCHMITT
7211 CAPTAIN KIDD AVE
SARASOTA, FL 34231

Dear Mr. SCHMITT:

Enclosed is a decision on your request for reconsideration, explaining the basis for the determination.

We have not modified our prior decision. However, we have evaluated the evidence you submitted and have reviewed the merits of your case.

If you disagree with this decision read and follow the enclosed instructions carefully.

Sincerely,

Karen Torelli
Senior Claims Examiner

Enclosure(s): Appeal Rights, Notice of Decision

NAVAL AIR WARFARE CENTER TRNG
SYSTEMS DIVISION CODE 7311 RD
12350 RESEARCH PKY
ORLANDO, FL 32826

DOD Liaison

PA-259

U.S. Department of La...

Employment Standards Administration
Office of Workers' Compensation Programs
Division of Federal Employee's Compensation
Washington, D.C. 20210

MAY 12 2006

File Number:
062048358

Mr. Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

Dear Mr. Schmitt:

I am writing in regard to your letter dated May 7, 2006, and received in this office on May 11, 2006. You are requesting a written response informing you of your rights and responsibilities concerning your "medical Privacy Act Violation by the employing agency".

The Privacy Act of 1974 (5 U.S.C. § 552a) assures the private citizen's right to confidentiality of personal information, including financial and medical history, in records filed in a system of records under the individual's own name. This law sets forth the government's responsibility to properly maintain and restrict access to these records. Workers' compensation case files constitute a system of records under the Privacy Act; which provides that the claimant (i.e., the subject of the file) has the right to a copy of the file at any time, unless the file contains medical information which could be harmful if released; and disclosure of the file to anyone else is generally prohibited without the express written consent of the claimant or representative.

There are a number of exceptions to this rule, however, called routine uses, which permit file information to be used when necessary to carry out program responsibilities. A routine use is properly using information from the claim file without first obtaining the claimant's permission. These routine uses include sending the record to medical providers asked by the Office of Workers' Compensation Programs (OWCP) to examine or treat the claimant; nurses and rehabilitation counselors assigned by OWCP to work on the case; employing agency personnel (but only for purposes related to the claim); credit bureaus; and others.

RA-260

OWCP manages federal workers' compensation claim records under a Privacy Act system of records known as DOL-Government-wide I. It is not clear from your letter whether the Privacy Act violation that you allege pertains to medical evidence contained in your workers' compensation claim record or to records managed under a different Privacy Act system of records. However, I have taken the liberty of including a copy of the Privacy Act of 1974 (5 U.S.C. §552a).

I trust that this is responsive to your inquiry. Any further requests for assistance may be addressed directly to the Jacksonville district office as they have immediate access to your compensation case file and are in the best position to provide assistance. If you wish to write to the district office, the mailing address is U.S. Department of Labor, DFEC Central Mailroom, P.O. Box 8300, London, KY 40742-8300. Alternately, you may reach the Dallas office by calling (972) 850-2300.

Sincerely,

Barbara H. Williames

Barbara H. Williames
Chief, Branch of Regulations,
Policy and Procedures

Social Security Administration
Request for Information

Office of Central Operations
1500 Woodlawn Drive
Baltimore, Maryland 21241-1500

Date: 08/19/05
Clm No: 265-35-4432HA

Harry M Schmitt
7211 Captain Kidd Ave
Sarasota Fl 34231-4718

We are writing to update our records regarding your workers' compensation payments. Our records show your wage loss benefits have been terminated effective January 25,2004. We need proof of the rates and dates of the wage loss payments. Please furnish proof of your workers' compensation payments. This information will ensure that we pay you the correct Social Security benefit.

This letter tells you what you need to do.

- Answer the questions below in items 1,2, and 4.
- Send us evidence regarding your workers' compensation/ public disability benefit. (See item 3 below.)
- Sign and date this letter.
- Return this letter together with the requested evidence to us in the enclosed envelope
- within 60 days. You may want to take your evidence to the local Social Security Office
- to insure that your evidence is returned to you. Your social Security benefits may be suspended if proof of your workers' compensation payments is not furnished within 60 days.
- f

1. Have your payments stopped? Yes X No _____
   If yes, when did they stop? 25 January, 2004

   If no, how much are your workers' compensation/public disability benefit payments? $_____

   How often? Weekly_____ Every 2 weeks _____ Monthly _____

2. Did you receive a lump sum? Yes_____ No X
   If yes, how much did you receive? $_____
   When did you receive it? _____

Part 2: Proofs

We need proof of the amount of any workers' compensation awards, the

PA-262

effective dates, t[illegible]te and any expenses.
For proof of workers' compensation, we can accept

- Court Order
- Award Notice
- Approved Settlement agreement (but not a proposed settlement)
- Notice from the agency or insurance carrier
- A letter of explanation or mailer that came with the check

You may want to take your evidence to the local Social Security office to insure that your evidence is returned to you.

3. We will need to contact your insurance carrier if additional information regarding your workers' compensation/public disability benefit payments is needed. Do we have your permission to contact the insurance carrier? Yes X No _____
Please provide the name, address and phone number of your carrier below:
Government Employee Hospital Association, P.O. Box 4665, Independence, MO 64051-46
Telephone # 1-800-821-6136

Comments?

I received additional income of $ 2303.88 for tax year 2004 due to my Sick Leave Buy Back approved by the former employing agency, Naval Ordnance Test Unit, Cape Canaveral Air Force Station, Florida 32920-1623. This income has been declared on my 2004 Tax Return. H&R Block prepared my 2004 Tax Return.

I certify that the information I am providing is correct. I know that anyone who makes a false statement or representation of material fact for use in determining a right to payment under the Social Security Act commits a crime punishable under Federal Law.

Harry Jon Schmidt 25 August 2005 (941) 223-2253
Your signature and today's date Your daytime telephone number

Enclosure: Envelope

Social Security Administration
Request for Information

Office of Central Operations
1500 Woodlawn Drive
Baltimore, Maryland 21241-1500

Date: 05/15/06
Claim Number: 265-35-4432

HARRY M SCHMITT
7211 CAPTAIN KIDD AVE
SARASOTA FL 34231

Our records show you are receiving or have received workers' compensation or public disability payments. These payments affect the amount of Social Security benefits we can pay you.

We are writing to update our records regarding your workers' compensation or public disability payments. We must have complete and accurate information to ensure that we pay the correct Social Security benefit. And, we need proof. Failure to provide this information will result in the suspension of your benefits.

Part 1: Information

1. Please list the amounts and effective dates of any workers' compensation payments or public disability and changes you received since you became entitled in September 2002 to Social Security benefits (see question 2 for lump sum payments):

   Beginning (date): November 2, 2002
   How much? $ 2,579.12
   How often? Weekly ___ Biweekly ___ Monthly ___ Twice a month ___

   Change date: November 3, 2002
   How much ? $ 3,247.16
   How often? Weekly ___ Biweekly ___ Monthly X Twice a month ___

   Change date: November 3, 2002

If you need more space, please use an attachment page

2. Have your workers' compensation or public disability payments ended ?
   Yes
   When ? January 24, 2004
   Why ?.
   The U.S. Department of Labor promised in writing to maintain worker's compensation until I returned to work, but cut off my worker's compensation on the above date. The Employing Agency Head sent a falsified challenge letter to the Department of Labor's Worker's Compensation Office after my supervisor had signed off on my Worker's Compensation claim with the Navy Attorney's approval. This matter has been referred to DOD IG.

PA-264

3. Did you receive a lump sum payment or settlement?

YES X NO _____

If "Yes", how much did you receive? $2,079.59
When? November 2, 2002

Did you receive any other lump sum payment or settlement?

YES _____ NO X

If "Yes", how much did you receive? _____
When? _____

If you need more space, please use an attachment page

4. Were expenses deducted from the amount of workers' compensation or public disability otherwise due for any of the amounts listed for questions 1 or 2?

YES X NO _____

If "Yes", please explain (exact amount, type of expenses? when?):

$228.35 Health Insurance Cost - August 13, 2002 to November 2, 2002
$129.03 Life Insurance Cost - August 13, 2002 to November 2, 2002
$119.40 Health Insurance Cost - November 3, 2002 to January 24, 2004 (monthly)
$60.06 Life Insurance Cost - November 3, 2002 to January 24, 2004 (monthly)

Part 2: Proofs:

We need proof of the amount of any workers' compensation or public disability awards, the effective dates, the rate, and any expenses.

For proof of workers' compensation or public disability, we can accept:

- ☐ Court order
- ☒ Award notice
- ☐ Approved Settlement agreement (but not a *proposed* settlement)
- ☐ Notice from the agency or insurance carrier
- ☐ A letter of explanation or mailer that came with the check
- ☐ A copy of the workers' compensation check ONLY if the payments started before your entitlement to Social Security disability benefits and have continued at the same rate.

For proof of expenses, we can accept

- ☐ A court order, award notice, approved settlement, etc., *
- ☐ A statement from the attorney as to legal expenses*
- ☐ Bills*
- ☒ Receipts*
- ☐ Cancelled checks*

*provided they clearly show the amount of expenses that are to be paid out of the workers' compensation that would otherwise be due

____ Please include proof of the workers' compensation or public disability and expenses (if any) in the enclosed envelope.

Part 3: If you do not have proof of the workers' compensation or public disability

Please identify the insurance carrier or state compensation board or agency (of the state paying the compensation - this may not be the state where you live)

Name

_____

_____

Address _____

_____

_____

Phone _____

If there is more than one, please list the other(s) on an attachment page.

Do we have your permission to contact the insurance carrier(s), state compensation board or agency? YES ____ NO ____

Part 4: Remarks

The Employing Agency Head coerced the Agency's Ethics Officer, Ann Jones, into providing felony coerced sworn statement to EEO Investigator from the Department of Defense. The Navy Attorney coerced the Agency's Deputy Equal Employment Opportunity Officer, Ms. Milagros Vazquez, into providing felony coerced sworn statement to the Office of Federal Operations, Equal Employment Opportunity Commission. The Navy Attorney violated my medical Privacy Act Information before the U.S. Merit Systems Protection Board and DOL.

I certify that the information I am providing is correct. I know that anyone who makes a false statement or representation of material fact for use in determining a right to payment under the Social Security Act commits a crime punishable under Federal Law.

Harry Michael Schmitt May 17, 2006
(949) 923-2253 (Home)
Your Signature and Today's date Your Daytime Telephone
Number

Enclosure
Return envelope

RA-267

DEFENSE SECURITY SERVICE
601 10TH STREET
FORT GEORGE G. MEADE, MARYLAND 20755-5134

MR HARRY M SCHMITT
650 DISON BOULEVARD
APT 22B
COCOA FL 32922-7542

MAR 14 2003

Dear Mr. Schmitt:

We recently received your Privacy Act request for information and records concerning you.

Please be advised that we are processing your request in accordance with the provisions of the Privacy Act of 1974 (5 U. S. Code 552a).

We have ordered the records you requested from the appropriate repositories.

However, a shortage of resources in our office has created a situation wherein we are unable to estimate the completion time of your request. We shall provide you the records you seek as soon as we are able.

If there is an urgent need for the requested material, please notify this office and refer to this Privacy Act tracking number: PA 03-1148.

We look forward to serving you further in this matter.

Sincerely,

S. J. DEMARCO, IV
Chief, Privacy Act Branch

PA-268

United States
Office of Personnel Management

Investigations Service
Federal Investigations Processing Center
Boyers, Pennsylvania 16018-0618

In Reply Refer To: Your Reference:

October 17, 2003

Mr. Harry M. Schmitt
650 Dixon Boulevard
Apartment #22B
Cocoa, FL 32922-7542

Dear Mr. Schmitt:

This is in reference to your March 5, 2003, request to Defense Security Service (DSS) for a copy of information maintained on you. DSS referred documents that originated with the Office of Personnel Management for our review and response to you. Your request was received in this office on October 7, 2003, and is being processed. We will send the material to you by certified mail as soon as possible.

Sincerely,

Shirley McKinley

Shirley McKinley
FOI/PA Specialist

PA-269

DEFENSE SECURITY SERVICE
601 10TH STREET
FORT GEORGE G. MEADE, MARYLAND 20755-5134

Mr. Harry Michael Schmitt
650 Dixon Boulevard
Apt 22B
Cocoa, FL 32922-7542

30 SEP 2003

Dear Mr. Schmitt:

This is in further reply to your notarized Privacy Act request of March 5, 2003, and supplements our response of March 14, 2003.

Attached is a copy of all releasable information in the investigative file maintained by the Defense Security Service (DSS) concerning you.

Documents and information not being released originated with another U.S. government agency and the Office of Personnel Management and have been forwarded to those agencies for release determination and direct response to you.

We appreciate having been able to serve you in this matter. If you have any questions regarding the contents of your file or the information released to you, please feel free to contact my office. Instructions regarding amendment requests will be furnished upon request. Appeal actions concerning denial of information may be addressed to Defense Security Service, Director, Office of FOIA and Privacy, 1340 Braddock Place, Alexandria, VA 22314-1651.

Sincerely,

S. J. DEMARCO, IV
Chief, Privacy Act Branch

Attachment
97101-DE5-1185

PA-270

DEPARTMENT OF THE NAVY
NAVAL ORDNANCE TEST UNIT
CAPE CANAVERAL, FLORIDA 32920-1623

5520
SPP70/U030603003

FIRST ENDORSEMENT on Mr. Schmitt, Request for Records
of 5 Mar 03

From: Commanding Officer, Naval Ordnance Test Unit (NOTU)
To: Director, Department of the Navy, Central Adjudication Facility

Subj: REQUEST FOR RECORDS

1. Forwarded.

WILLIAM H. BORGER

Copy to:
MR. Harry M. Schmitt
DSS

PA-271

United States
Office of Personnel Management

Investigations Service
Federal Investigations Processing Center
Boyers, Pennsylvania 16018-0618

In Reply Refer To: Your Reference:

March 20, 2003

Mr. Harry M. Schmitt
650 Dixon Boulevard
Apartment #22B
Cocoa, FL 32922-7542

Dear Mr. Schmitt:

This is in reference to your March 5, 2003, request to the Department of the Navy for a copy of your background investigation. The Department of the Navy forwarded your request for our direct response to you regarding your background investigation. Your request was received in this office on March 17, 2003.

The enclosed documents have been reviewed pursuant to the provisions of the Privacy Act of 1974, as amended, and are provided to you with no deletions.

Your investigative file contains information that is the property of the Defense Security Service (DSS). We have referred this information and a copy of your request for an access decision and DSS will respond directly to you.

Our records also indicate we completed a National Agency Check and Inquiries investigation on you for the Directorate NATC, Patuxent River, Maryland on February 10, 1987. All data pertaining to this investigation was favorable and has not been maintained.

Sincerely,

Pam Maxwell

Pam Maxwell
FOI/PA Specialist

Enclosures

PA-272

United States
Office of
Personnel Management

Investigations Service
Federal Investigations Processing Center
Boyers, Pennsylvania 16018-0618

In Reply Refer To: Your Reference:

March 20, 2003

Defense Security Service
Privacy Act Branch
601 10th Street, Suite 128
Fort George G. Meade, MD 20755-5134

Subject: FOIA/Privacy Request Re: Schmitt, Harry Michael

DOB: 8/6/60

SSN: 265-35-4432

In response to the enclosed FOI/PA request, we are forwarding:

☐ An overseas report facilitated by DSS for inclusion in the OPM investigation. DSS has agreed to review and release the report directly to the requester on behalf of OPM.

☒ Documents that originated in your agency. Please review this data for a release determination and respond directly to the requester.

☐ Document(s) containing information that originated with your agency. Please make any necessary deletions and return them to our office. We will respond directly to the requester concerning the final action taken on the data.

We have advised the requester of the above referral action. If you have any questions about this referral, please contact the Freedom of Information/Privacy Act Services at 724-794-5612.

Sincerely,

Pam Maxwell
FOI/PA Specialist

Enclosure

PA-273

CON 132-48-8
July 1995

United States
Office of
Personnel Management

Retirement Operations Center
PO Box 45
Boyers, Pennsylvania 16017

U.S. Department of Labor
DFEC Control Mailroom
District Office JACKSONVILLE
P.O. Box 8300
London, KY 40742-8300

February 26, 2004
CSI 3569313
Harry M. Schmitt
OWCP# 062048358
SSN: 265-35-4432

Dear Examiner:

As a compensationer, the individual named above is eligible to continue the Federal Employees' Group Life Insurance (FEGLI) coverage indicated below.

The final base salary on which FEGLI is based is $65,874.00

Please deduct for CodeX0:

Basic
Standard Option A
Option B 5 times salary

Post Retirement election is 50% reduction. Commencing date for the Post Retirement deduction is 08-14-03

Basic coverage premiums on the OWCP commencing date.

Thank you for your assistance.

Sincerely,

Gloria Gillespie
Legal Admin. Specialist
Annuity Adjustment Section
724-794-2005 X5163

CC: Harry M. Schmitt
7211 Captain Kidd Ave.
Sarasota, FL 34231

RA-274

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
October 11, 2005
GEHA Member ID# 265-35-4432

United States
Office of Personnel Management
Retirement and Insurance Service
P.O. Box 436
Washington, DC 20044

Subj: Request Review of Government Employees Hospital Association Decision to continue to deny payment of Health Benefit Claims

Sir/Madam:

My medical and dental health benefit carrier, Government Employees Hospital Association, has continue to deny payment of my medical and dental claims since January 25, 2004 when my Federal Workers' Compensation payments were terminated by the United States Department of Labor. However, since my Federal Workers' Compensation is currently under Reconsideration by the U.S. Department of Labor, I request the United States Office of Personnel Management review my health benefit carrier's, Government Employees Hospital Association, continued payment denial of my medical and dental claims. My health benefit carrier, Government Employees Hospital Association, has failed to respond to my request for reconsideration in payment of my medical and dental claims.

GOD BLESS! Take Care!

Sincerely,

Harry M. Schmitt (Mike)

PA-275

7211 Captain Kidd Avenue
Sarasota, Florida 34231-4718
November 3, 2005
GEHA Member ID# 265-26-4432
DOL OWCP #062048358
DOL OWCP Date of Injury 15 Dec 2000

United States Office of Personnel Management
Insurance Services Program
Contracts Division II
P.O. Box 436
Washington, DC 20044

Subj: Request Review of Government Employees Hospital Association Decision to Deny Payment of Health Benefit Claims

Ms. Eva E. Castillo:

Per reference letter C 2005 291009 dated October 18, 2005 from OPM, I request review of GEHA's decision to deny payment of my health benefit claims. THANK YOU for your time and consideration of my request for review. I am enclosing supporting documentation, physician's statements and itemized bills. Again, THANK YOU for your time and help in this request for review matter. GOD BLESS! Take Care.

Encls

Sincerely,

Harry M. Schmitt (Mike)

Harry M. Schmitt (Mike)

PA-276

United States
Office of
Personnel Management

Washington, D.C. 20415

In Reply Refer To: C2005291009

Your Reference:

OCT 18 2005

Harry M. Schmitt
7211 Captain Kidd Avenue
Sarasota, FL 34231-4718

Dear Mr. Schmitt:

This is in response to your letter requesting an administrative review regarding your disputed claim with the GEHA, under the Federal Employees Health Benefits (FEHB) Program. This dispute concerns services rendered on September 9, 2005.

According to 5 Code of the Federal Regulations (section 890.105) which govern reviews of disputed health benefits claims require that the health plan reconsider a claim before the Office of Personnel Management can initiate a review. Based on the information submitted, it does not appear that the health Plan has reconsidered your claim; therefore, we have forwarded this request for review to the health Plan for reconsideration.

If the plan does not respond within 30 days from the date of our letter or if the Plan upholds its previous denial you may contact this office and request a review of the claim. We must receive the request within 90 days of the date of the Plan's letter upholding its previous denial. The request for review should include a copy of the denial letter, as well as any supporting documentation (e.g., physician's statements, and itemized bills).

RA-277

Your request for review and supporting documentation should be sent directly to:

Office of Personnel Management
Insurance Services Program
Contracts Division II
P O Box 436
Washington, DC 20044

If we can be of further assistant please call 202-606-3818.

Sincerely,

Eva E. Castillo

Eva E. Castillo
Contact Representative
Health Insurance Group II
Insurance Services Program

BEST AVAILABLE COPY

DEPARTMENT OF THE NAVY
HUMAN RESOURCES SERVICE CENTER, SOUTHWEST
525 B STREET SUITE 600
SAN DIEGO, CA 92101-4418

IN REPLY REFER TO:
Code 43
February 18, 2004

REQUEST FOR TRANSFER OF FEHB ENROLLMENT TO OWCP

EMPLOYMENT STANDARDS ADMINISTRATION
OFFICE OF WORKERS' COMPENSATION PROGRAMS
PO BOX 8300 DISTRICT 13
LONDON KY 40742-8300

OWCP file number:	062048358
Employee's name:	Harry M. Schmitt
Social Security Number:	265-35-4432
Enrollment code:	311

The above named employee is receiving compensation under the Federal Employee's Compensation Act; OWCP is withholding premiums for the employee's Federal Employee's Health Benefits (FEHB) Program enrollment from the employee's compensation.

Attached are copies of employee's health benefits enrollment documents, which this agency is forwarding to OWCP as specified in the Federal Employees Health Benefits Handbook (formerly the supplement 890-1 of the Federal Employees Personnel Manual). The documents include the copies of every SF 2809 and SF 2810 in the employee's Official Personnel Folder beginning with the date of his or her initial enrollment in the FEHB Program, together with any related documentation (such as medical documentation for a disabled child over age 22). As of the effective date shown above, OWCP is the employing office for this employee.

The reason for this action is:

( ) This employee has separated on:

( ) This employee will complete 365 days in nonpay status on:

(X) Request from Department of Labor dated: 11-12-2002
Effective date of Transfer: 11-02-2002

If you have any questions concerning this transfer, you may contact:

Benefits Section
Telephone number (619) 615-5619

Sincerely,

Lynn B. Pagtama
Human Resources Assistant (Civilian Benefits)

Enclosures

RA-279

7211 Captains Isle Avenue
Sarasota, FL 34231-4718
September 8, 2005
Member ID # 265-35-4432

Supervisor of Health Benefits, Legal Dept.
Government Employees Hospital Association, Inc.
P.O. Box 1031
Independence, MO 64051-0531

Sir/Madam:

I am writing this letter to you to request GEHA's reconsideration in paying my medical and dental health claims which were terminated on January 25, 2004 when my Federal Workers' Compensation payments were terminated. Since my Federal Workers' Compensation payments is currently under Reconsideration by the Federal Department of Labor, I ask GEHA to continue paying my medical and dental health claims from the date of Health Benefit termination, namely, January 25, 2004. THANK YOU for your time and help with my Health Benefit Reconsideration Request. GOD BLESS! Take Care!

Sincerely,

Harry M. Schmitt (Mike)

cc: Mr. Archibald J. Thomas, III

P.A-280

USF

Student Health Services
University of South Florida
4202 East Fowler Avenue, SHS 100
Tampa, Florida 33620-6750
(813) 974-2331
FAX (813) 974-5888

STATEMENT

APPT. NO.	STATEMENT DATE
265354432	01/16/96

BILL TO

HARRY M SCHMITT
7211 CAPTAIN KIDD AVE
SARASOTA, FL 34231

APPT. NO.	STATEMENT DATE	TIME	PREVIOUS BALANCE
265354432	01/16/96		0.00

DATE	PROV	SERVICE	LOC	DESCRIPTION OF TRANSACTION	CHARGES	CREDITS	BALANCE
/16/96	1	9530742	11	DC, HOME W/FULL ACTIVIT	0.00		
/16/96	1	9530742	11	EP/FOCUSED-STW-10	16.00		

CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	TOTAL DUE
16.00	0.00	0.00	0.00	0.00	16.00

I understand that payment for services not covered by the Health Fee is due at the end of my visit today. If I am unable to , I understand that I will be placed on administrative hold which prohibits registration or release of grades, diplomas, ascripts and financial aid. This hold will immediately be oved upon payment of the outstanding balance.

SIGNATURE _____ DATE _____

PA-281

USF

Student Health Services
University of South Florida
4202 East Fowler Avenue, SHS 100
Tampa, Florida 33620-6750
(813) 974-2331
FAX (813) 974-5888

STATEMENT

ACCT. NUMBER	STATEMENT DATE
265354432	01/18/9

BILL TO
HARRY M SCHMITT
7211 CAPTAIN KIDD AVE
SARASOTA, FL 34231

ACCT. NO.	PAGE NO.	STATEMENT DATE	BALANCE	INSURANCE
265354432		01/18/96	16.00	

DATE	REF. NO.	TYPE	CHARGES	DESCRIPTION	PAYMENTS	BALANCE	SELF PAY
01/18/96	1	CK		PERSONAL CHECK PAY		16.00	

CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	TOTAL DUE
0.00	0.00	0.00	0.00	0.00	0.0

understand that payment for services not covered by the Health Fee is due at the end of my visit today. If I am unable to
ay. I understand that I will be placed on administrative hold which prohibits registration or release of grades, diplomas,
anscripts and financial aid. This hold will immediately be
moved upon payment of the outstanding balance.

SIGNATURE _____ DATE _____

PA-282

USF

STATEMENT

ACCOUNT #	STATEMENT DATE
265354432	02/28/96

Student Health Services
University of South Florida
4202 East Fowler Avenue, SHS 100
Tampa, Florida 33620-6750
(813) 974-2331
FAX (813) 974-5888

BILL TO

HARRY M SCHMITT
7211 CAPTAIN KIDD AVE
SARASOTA, FL 34231

ACCOUNT #	DATE	PAYMENTS	BALANCE
265354432	02/28/96	0.00	

DATE	QTY	CPT	DX	DESCRIPTION	CHARGES	ADJUSTMENTS	BALANCE
/28/96	1	9535269	11	EP/FOCUSED-STW-10	16.00		
/28/96	1	9535269	11	DC, HOME W/FULL ACTIVIT	0.00		

CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	TOTAL DUE
16.00	0.00	0.00	0.00	0.00	16.00

derstand that payment for services not covered by the Health Fee is due at the end of my visit today. If I am unable to . I understand that I will be placed on administrative hold which prohibits registration or release of grades, diplomas, scripts and financial aid. This hold will immediately be oved upon payment of the outstanding balance.

SIGNATURE DATE

RA-283

USF

Student Health Services
University of South Florida
4202 East Fowler Avenue, SHS 100
Tampa, Florida 33620-6750
(813) 974-2331
FAX (813) 974-5888

STATEMENT

265354432	03/04/9

B
I T HARRY M SCHMITT
L O 7211 CAPTAIN KIDD AVE
L SARASOTA, FL 34231

	265354432		03/04/96			16.00	
03/04/96	1	C		CASH PAYMENT		16.00	

0.00	0.00	0.00	0.00	0.00	0.0(

understand that payment for services not covered by the Health Fee is due at the end of my visit today. If I am unable to
ay, I understand that I will be placed on administrative hold which prohibits registration or release of grades, diplomas,
nscripts and financial aid. This hold will immediately be
moved upon payment of the outstanding balance.

SIGNATURE DATE

RA-284

SARASOTA SPINE SPECIALISTS
Certified American Board of Orthopedic Surgery
MARK B. LONSTEIN, M.D., F.A.A.O.S.
1921 Waldemere St., Suite 609
Sarasota, FL 34239
813-917-6500

September 1, 1994

Richard J. Sarkis, M.D.
1219 East Ave. S., #208C
Sarasota, FL 34239

RE: SCHMITT, MIKE 4907.0

Dear Dr. Sarkis:

Thank you very much for your referral of Mr. Mike Schmitt for orthopedic evaluation.

History of present illness: Patient is a 34-year-old male who hurt his back lifting on 8-19-94. He describes a prior injury in 1989 which aventually resolved. He had the onset of low back pain, this time with some radiating pain down his left leg. He tells me the left leg pain has resolved. His back pain has improved. Symptoms are worse with bending and twisting movements. There has been no loss of bowel or bladder continence. He has not been on any medications. He was seen at the Walk-In clinic but has not been using any medications.

Past medical history:
Surgery: None.

Medical problems: History of hepatitis, labile hypertension.

Medications: None.

Allergies: None known to medication.

Social history: Non-smoker.

Physical examination: On physical examination of the lumbar spine, there is no tenderness to palpation. No tenderness in either buttock on palpation. He has good motion. He can flex forward to touch the lower pretibial area. No discomfort with

SCHMITT, MIKE

extension, lateral rotation or lateral flexion.

On motor testing of the lower extremities, he is intact. Deep tendon reflexes are symmetrically 2+ at patella, 2+ at Achilles. Straight leg raise is negative bilaterally. Fabere four maneuver is negative.

On vascular exam, distal pulses are palpable in the lower extremities.

Diagnostic studies: X-rays of the lumbar spine include an AP showing five lumbar segments. On lateral, there is slight disc space narrowing at L5-S1. No spondylolisthesis is present.

Impression and recommendations: Lumbar strain. We will avoid nonsteroidals. He does not tolerate them well. We will start him on a low back exercise program, have him use local heat. I have asked him to be back in touch if he is not improving within the next two weeks.

Thank you very much for your kind referral.

Sincerely yours,

Mark B. Lonstein, M.D.
Dictated but not read
MBL:bam

Re: SCHMITT, MIKE 4907.0

FOLLOW UP VISIT
October 2, 1997

He tells me from his ambulation, he was developing some aching in his left knee and left hip. He recently was seen by Dr. Askins who apparently did not take x-rays although the patient apparently was asking for them. He complains of some snapping in his left knee last week but not present now.

On examination, full motion of the left hip and left knee. There is no effusion present. No ligamentous laxity. No joint line tenderness. There is no hip flexion contracture present. Per his request, we obtained AP and lateral of the left knee. No abnormalities noted. Also AP and lateral of the left hip. No arthritic change seen. He is reassured. I suggest that he continue to ambulate. Instructed in straight leg raising exercises.

Mark B. Lonstein, M.D.
MBL:bam

...RIAL HOSPITAL – OUTPATIENT LABORATORY SERVICES

For Draw Station locations Call: (941) 917-1350

Information: (941) 917-1[illegible]
Courier Pick-Up: (941) 780-[illegible]
Beeper: (941) 333-4655

FAX: (941) 917-2570

REFERRED BY:
Dr.R. Mercado, Dr.M.Lipman
Dr.M. Milam, Dr.A.Krinsky
Dr.V.Vega, Dr.M. Gontijo
Dr.S. Talapragada Dr. J. Larkin Ph: 366-9060

Coll. Date ___/___/___ Coll. Time _____ am / pm Patient # (Lab use on
Collected by: _____
☐ STAT Priority ☐ Urgent
Copy to: _____ Call to: _____ FAX to: _____

PATIENT INFORMATION:

Last Name	First Name	M. Init.	Sex	Date of Birth (MM/DD/YY
Schmitt	Harry	M	M	8/6/40

Street Address | City | State | Zip Code | Home Phone

INSURANCE COMPANY NAME & ADDRESS: V01.7 579.0

POLICY HOLDER AND POLICY NUMBER

DIAGNOSIS / CLINICAL HX / ICD-9 CODES (REQUIRED)

PHYSICIAN SIGNATURE

ATTENTION MEDICARE PATIENTS: PLEASE COMPLETE THE "MSP" ON THE LAST PAGE!

Attention Ordering Physician: For any patient or any payor (including Medicare and Medicaid) that has a med necessity requirement, you should only order those tests which are medically necessary for the diagnosis and treatm of the patient. Use the Advanced Beneficiary Notice provided on the last page for any orders that do not meet med necessity requirements. Tests listed below in red have medical necessity requirements.

ORGAN OR DISEASE ORIENTED PANELS

- Electrolytes (NA, K, CL, CO2)
- Basic Metabolic Panel (NA, K, CL, CO2, Glu, BUN, Creat, Calcium)
- Comp. Metabolic Panel (NA, K, CL, CO2, Glu, BUN, Creat, Calcium, Alk. phos, SGOT, SGPT, T. Bili, T. Prot, Alb)
- Lipid Panel (Chol, Trig., HDL Cholesterol)
- Hepatic Function Panel (Alb., Tot & Direct Bili, Alk. phos., SGOT, SGPT, T. Protein)
- Renal Function Panel (NA, K, CL, CO2, BUN, Creat., Calcium, Phos, Alb.)
- General Health Panel (Comp. Metabolic Panel, CBC w/diff & plt, TSH)
- Arthritis Panel (Uric acid, ESR, ANA, RF)

CHEMISTRY TESTS

- Albumin
- Alk.phosphatase
- Amylase
- BUN
- Calcium
- Carbon Dioxide
- Cholesterol
- Creatinine
- Glucose
- Iron
- Iron w/TIBC
- LDH
- Lipase
- Magnesium
- Neonatal Bilirubin w/fract.
- Phosphorus, Inorganic

SEROLOGY – IMMUNOLOGY

- Pregnancy Screen
- HCG Quantitative
- Hep. A IGM
- Hep. B Surf AG
- Hep. B Core IGM
- Hep. C AB
- HIV Antibody
- ANA ☐ w/Reflex
- Rheumatoid Factor
- Monospot
- Rubella
- Rubeola (Measles)
- Varicella
- RPR

- Potassium
- SGOT (AST)
- SGPT (ALT)
- Total Protein
- Uric Acid
- Vit. B12
- Folic Acid
- Ferritin
- Glycohemoglobin (HgbA1C)
- Protein Electrophoresis
- T3 Resin Uptake
- T3 Total, RIA
- T4, Free
- T4, Total
- T7 (Total T4, T3 R Uptake)
- TSH (Ultrasens.)

- CEA
- CA-125
- PSA – Screening
- PSA – Diagnostic: DX:

24 HOUR URINE COLLECTION

- Creatinine Clearance
- Total Protein, Urine
- Other:

THERAPEUTIC DRUGS

- Depakene (Valproic Acid)
- Digoxin
- Dilantin
- Lithium
- Tegretol
- Vancomycin – Pre (trough)
- Vancomycin – Post (peak)

HEMATOLOGY – COAGULATION T

- CBC w/Diff & PLT
- Hemogram (CBC & plt – NC
- Hemoglobin & Hematocrit
- Platelet Count
- Reticulocyte Count
- ESR (Sed Rate)
- Protime (PT) w/INR
- APTT (PTT)
- Bleeding Time
- Cell Count – Fluid – Source
- Crystal Exam – Fluid Source

MICROBIOLOGY

- X Urine C&S – Voided
- Urine C&S – Catheter
- Blood Culture Site:
- Gastro-Intestinal (Stool)
- Sputum C&S
- AFB – Source?
- Wound – Source?
- Fungus – Source?
- Other:
- Gram Stain Only
- Vaginal Beta Strep Screen
- Beta Strep A Screen
- Chlamydia/GC DNA Probe
- O&P and Parasite
- C. Difficile Toxin

- Rotavirus Antigen
- RSV by DFA
- Virus Culture

URINALYSIS

- Urinalysis w/reflex microscopic
- U/A – Reflex Culture if Indicated
- Occult Blood – Screening
- Occult Blood–Diagnostic DX:

DRUG SCREENS

- Urine Drugs of Abuse – Legal
- Urine Drugs of Abuse – Non-Legal
- Blood Alcohol

MISCELLANEOUS TESTS

U/A & MICRO

T-304 Page 1 of 2

White – Lab Copy PA-288

SOTA UROLOGICAL ASSOCIA[illegible], P.A.

SARASOTA OFFICE
WALDEMERE MEDICAL PLAZA
1921 WALDEMERE STREET, SUITE 504, SARASOTA, FLORIDA 34239
(941) 917-7000

OFFICE
BEATS AVE.
RIDA 34266

BRADENTON OFFICE
5301 1ST STREET EAST
BRADENTON, FLORIDA 34203

DOCTORS HOSPITAL OFFICE
SARASOTA MEDICAL CENTER
3741 RIDGE ROAD, SUITE 340
SARASOTA, FLORIDA 34133

PALMER RANCH
8382 POTTER PARK DR., STE.
SARASOTA, FL 34238

1:43

PATIENT NO.	PATIENT NAME	DR. NO.	DATE
33648	MIKE SCHMITT	2	01/0[illegible] 2-

DATE OF BIRTH	TELE. NO.	INSURANCE CODE	INSURANCE DESCRIPTION	INSURANCE CERTIFICATE NUMBER
39 08/06/60	(941) 923-2253	GEHA2GEHA		265354432 GEHA41

UNIT	OFFICE SERVICE (cont)	CPT CODE	AMOUNT
	☐ Pyridium 100c	PAP10	
	☐ Pyridium 10cc	PR10	
	☐ Muse M125 M250 M500 M1000		
	☐ Insertion Tray	A4310	
	☐ Indwelling Catheter - Foley - 2-Way	A4311	
	☐ Bag Catheter - Foley - 2-Way	A4312	
	☐ Bag Catheter - Foley - 3-Way	A4313	
	☐ Insertion Tray - Catheter - Foley - 2-Way with Coating	A4314	
	OFFICE LABORATORY		
	☐ Urinalysis	81000	
	☐ Urine Culture -	87087	
	☐ Urine Culture +	87088	
	☐ Urine Sensitivity	87184	
	☐ Optery Count	87084	
	☐ Semen Analysis	89320	
	☐ Semen Analysis (Frequency Only)	81300	
	☐ Urethral Culture	87070	
	☐ PSA	84153	
	INJECTIONS		
	☐ Lupron 1	J9217	
	☐ Lupron 3	J9217	
	☐ Chemo Adm - Per Express/Zoladex	96400	
	☐ Zoladex 1	J9202	
	☐ Zoladex 3	J9205	
	☐ Gentamycin	J1580	
	☐ BCG	J9031	
	☐ Bladder Instillation	51720	
	☐ Thio Tepa	J9340	
	☐ DMSO ☐ Apply	J1212	
	☐ Depo-Testosterone, 100 mg	J1070	
	☐ Depo-Testosterone, 200 mg	J1080	
	☐ Papaverine	J7440	
	☐ Flagyl IV	J0740	
	☐ Prosin	J0270	
	DIAGNOSTICS		
	☐ Transrectal Ultrasound	76872	
	☐ Ultrasonic Guidance	76940	
	☐ Needle Biopsy Prostate	55700	
	☐ Testicular Ultrasound	76870	
	☐ ABD Ultrasound Complete	76700	
	☐ Renal Ultrasound/Retrop/Renal	76770	

BIOFEEDBACK	CPT CODE	AMO
☐ Single Organ Ultrasound (Abdominal)	76705	
☐ Pelvic Ultrasound Complete	76856	
☐ Bladder Scan/PVR Complete	76857	
☐ PVR Ultrasound/Simple	G0050	
☐ Urodynamics	51741	
☐ Doppler Penile Limited	93981	
☐ Doppler Penile Complete	93980	
☐ Doppler Vascular Study	93925	
☐ Doppler Plethysmography	34240	
☐ EMG Studies	51784	
☐ EMG Application	90900	
☐ Therapeutic Activity	97530	
☐ Performance Test	97750	
☐ Biofeedback Training	90911	
☐ Biofeedback Supervision	A9270	
☐ Cystometrogram	51725	
SURGERY		
☐ Vasectomy	55250	
☐ Cystourethroscopy, Male/Female	52000	
☐ Cystourethroscopy, Female/Urethral Syn.	57265	
☐ Cystourethroscopy, Retrograde	52005	
☐ Cystourethroscopy, Stent Removal	52310	
☐ Meatotomy	53020	
☐ Collagen Implant Injection	51715	
☐ Collagen Implant	54053	
LABORATORY		
☐ Venipuncture	G0001	
☐ PSA	84153	
☐ Prostate Smear	87205	
☐		
☐		
☐		

Whole Blood, Complex, Suprapubic	51710
Indwelling Catheter	Q0002
Lab Rectal Screening	Q0157
Bladder Irrigation	51700
Extraction Lesion, Chemical	54200
Urinary Diversion System	L7900
Allergen Skin Test Kit	Q0095
Allergen Skin Test Pre	95620
Cystitis	10mg/2ml PRO510
Cystitis	75mg/7ml PRO520
Cystitis	40mg/5ml PRO540

TODAY'S CHARGES

CC CHECK CASH 20.00

PAID ON ACCOUNT

TOTAL DUE

DATE OF LAST PAYMENT 10/15/99

PREVIOUS BALANCE	INSURANCE	PATIENT
		81.00

DIAGNOSIS: BOH, BPH, Prostatitis

ICD9 CODE
1
2
3

Diagnosis	ICD
Abdominal Pain	789.0
Cystitis	607.1
Calculus/ Ca'culus	594.1
Cyst (Prostate Nodule)	600
Bladder Distention	596.8
Bladder Diverticulum	596.3
Bladder Hypertonic	596.5
Bladder Neck Contracture	596.0
Bladder In SITU	233.7
Carcinoma Bladder	188.9
Carcinoma Kidney	189.0
Carcinoma Prostate	185
Chondroma	078.10
Cystitis: Acute	595.0
Chronic	595.2
Interstitial	595.1
Cystocele/Bladder Prolapse	618.0
Dysuria	788.1
Epididymal BCA	780.99

Diagnosis		ICD
Epididymitis	Acute	604.99
	Chronic	604.90
	w/Abscess	604.0
Flank Pain		789.09
Frequency of Urination		788.41
Hematospermia		608.83
Hematuria		599.7
Herpes:	Genital/Partial	054.10
	Penis	054.13
	Scrotal	054.10
Hydrocele		603.9
Hydronephrosis		591
Impotence, Organic		607.84
Incontinence		
	Continuous Leakage	788.37
	Female Stress	625.6
	Urge/Stress	788.33
		788.31
	Urge/Female	788.30

Diagnosis	ICD
Infertility, Male	606.9
Kidney Mass	593.9
Meatal Stenosis	753.6
Neoplasm/Uncertain Behavior	
Prostate	236.5
Testes	236.4
Neurogenic Bladder	344.61
Nocturia	788.43
Normal Exam	V700
Painful Erection/Priapism	607.3
Peyronies Disease	607.81
Phimosis	605
Prostatis: Acute	601.0
Chronic	601.1
Pyelonephritis	590.80
Acute w/o lesion	590.10
Chronic w/ lesion	590.00
(UTI) Sepsis	599.0
Renal Calculi	592.0

Diagnosis	ICD
Renal Cyst, Unspecified	753.10
Scrotal/Testicular Pain	608.9
Spermatocele	608.1
Testicular Mass	608.89
Testicular Torsion	608.2
Ureteral Calculus/Obstruction	592.1
Urethral Caruncle	599.3
Urethritis	597.8
Urethral Stricture/Stenosis	598.9
Urinary Retention	788.2
Vaginitis Acute/Chronic	616.1
Vaginitis Atrophic	627.3
Varicocele	456.4
Vasectomy/Consultation	V25.0
Vasectomy	V25.2
Vasectomy SA	V25.8
Void Dysfunction	596.8

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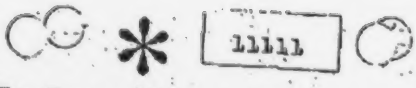

Disability Update Report

DATE: June 11, 2004

Social Security Administration, P.O. Box 4550, Wilkes-Barre, PA 18767-4550

FORM APPROVED
OMB NO. 0960-0

PAYEE'S NAME AND ADDRESS

IH020041532********AUTO**3-DIGIT 342
HARRY M SCHMITT PSC: 7
7211 CAPTAIN KIDD AVE
SARASOTA, FL 34231-4718

REPORT PERIOD
From: SEPTEMBER, 2002 To The Pr

BENEFICIARY
HARRY M. SCHMITT

TELEPHONE NUMBER: 941-923-2253H

CLAIM NUMBER: 265-35-4432

265354432/A-/1960/0000/2950300
S/---/H/0048/092002/1/7/S70/66
SARASOTA /FL/34239

Please be sure to use black ink or a #2 pencil to print your answers. Also, read the enclosed instructions before completing the form. Finally, remember that when answering the questions, the "REPORT PERIOD" for which we need information about you is from SEPTEMBER, 2002 to the present. If you have any questions, call 1-800-772-1213 or TTY for the hearing impaired at 1-800-325-0778.

1. a. Since SEPTEMBER, 2002, have you worked for someone or been self-employed? → YES ☐ NO ☒

b. If you answered "YES" to 1.a., please complete the information below.

Most Recent Work	WORK BEGAN: Month	WORK BEGAN: Year	WORK ENDED: Month	WORK ENDED: Year	MONTHLY EARNINGS: Dollars Only, No Cents
1.					$,
2.					$,
3.					$,

2. Have you attended any school or work training program(s) since SEPTEMBER, 2002? YES ☐ NO ☒

3. Since SEPTEMBER, 2002 to the present...*(please place an "X" in only one box)*:

☐ my doctor and I have not discussed whether I can work.

☐ my doctor told me I cannot work.

☒ my doctor told me I can work.

4. Place an "X" in only one box which best describes your health now as compared to SEPTEMBER, 2002.

☐ BETTER ☒ SAME ☐ WORSE

Continued on the Reverse

FOR SSA USE ONLY

AC?

5. a. Have you gone to a doctor or clinic for treatment (including evaluations, checkups, counseling, prescriptions, or medicine) since SEPTEMBER, 2002? → YES [X] NO [ ]

b. If you answered "YES" to 5.a., please list:

	Reason For Visit:	Month	Year
Most Recent Visit 1.	CHECKUP	02	04
2.	COUNSELING	07	04
3.			

6. a. Have you been hospitalized or had surgery since SEPTEMBER, 2002? → YES [X] NO [ ]

b. If you answered "YES" to 6.a., please list:

	Reason For Hospitalization or Surgery:	Month	Year
Most Recent 1.	KIDNEY STONE	07	03
2.			
3.			

REMARKS: If you use this space to further answer questions 1. through 6., place an "X" in the box to the right and print on the lines below. [X]

5. Chronic lower back pain attributed to prostatitis and proctitis. Chronic High Blood Pressure evaluation & treatment. Counseling on Post Traumatic Stress Disorder related to death of parents, job loss, job search, etc.

6. Right kidney stone passage aggravated prostatitis condition.

I declare under penalty of perjury that I have examined all the information on this form, and on any accompanying statements or forms, and it is true and correct to the best of my knowledge. I understand that anyone who knowingly gives a false or misleading statement about a material fact in this information, or causes someone else to do so, commits a crime and may be sent to prison, or may face other penalties, or both.

SIGN HERE

Harry M. Schmitt

TODAY'S DATE

July 7, 2004

TELEPHONE NUMBER (include Area Code)

941-923-2253

Form SSA-455-OCR-SM (10-2000)

PA-291

TOE 990

265-35-4432

70189 P9

Brenda Schmitt
4526 Park Lake Terr. N.
Bradenton, FL 34209
(941) 792-5028

To Whom It May Concern,

I, Brenda Christine Schmitt, hereby make the following statement under oath:

I am over the age of eighteen and competent to testify as a witness. I personally stated via my telephone to a person who did not properly identify herself to me that my brother, Gary Schmitt, " drinks to much to often". I also, advised her that I am not a mental health professional and I could not advise her as to if my brother Gary Schmitt is an alcoholic. I was later told by my brother, Harry Michael Schmitt, that the person to whom I was speaking with on my telephone was the Navy's Second Inspector General, Angelika Evangelist, USNR, who was assigned to investigate the improper use of government equipment at my brother's, Mike's, workplace, Naval Ordnance Test Unit, CCAFS. I thought she was a counselor for my brother Harry Michael Schmitt. Later, I found out that a male counselor named, Robert Blankenship, was assigned to his family hardship case.

I continue to hear from my brother, Mike, that my brother Gary continues to drink beer with my brother's, Mike's, next-door neighbor, Kevin K. Evans, on the weekends.

OATH:

I affirm under penalty of perjury that the above statement is true and accurate to the best of my personal knowledge, information, and belief.

8-21-05 Brenda C. Schmitt

Date Affiant's Signature

PA-292